

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Wednesday, the 5th February 1936.

The House met at eleven of the clock, Mr. President (the Hon. Mr. B. RAMACHANDRA REDDI) in the Chair.

PRESENT:

- Reddi Nayudu, *Kt.*, The Hon. Rai Bahadur Sir K. V.
Pannirselvam, The Hon. Rao Bahadur A. T.
Souter, *K.C.I.E.*, *C.S.I.*, *I.C.S.*, The Hon. Sir Charles.
Bracken, *C.S.I.*, *C.I.E.*, *I.C.S.*, The Hon. Mr. G. T. H.
Raja of Bobbili, *K.C.I.E.*, The Hon. the Rajan, The Hon. Mr. P. T.
Kumaraswami Reddiyar, The Hon. Diwan Bahadur S.
Abdul Hameed Khan Sahib Bahadur.
Ahmed Meeran Sahib Bahadur, A. M.
Alamelumangathayaramma, Mrs. K.
Annamalai Chettiyar, Mr. S. A. A.
Appadurai Pillai, Diwan Bahadur A. Arasu, Mr. V. T.
Ari Gowder, Mr. H. B.
Basheer Ahmed Sayeed Sahib Bahadur.
Basu Dev, Mr. C.
Boag, *C.I.E.*, *I.C.S.*, Mr. G. T.
Devadasan, Mr. M.
Dharmalingam Pillai, Rao Sahib V.
Ellappa Chettiyar, Diwan Bahadur S.
Foulkes, Mr. G. F. F.
Gopalaswami Mudaliyar, Diwan Bahadur M.
Harischandrudu Nayudu, Mr. A.
Indrayya, Mr. C.
Iswaran Pillai, Mr. I. C.
Jagannatha Raju, Rao Bahadur G.
Jagannatham, Mr. H. M.
Jayaram Nayudu, Rao Sahib C.
Jones, *I.C.S.*, Mr. C. E.
Kesavaramamurti Nayudu, Mr. K.
Khalif-ul-lah Sahib Bahadur, Khan Bahadur P.
Kolanda Reddi, Rai Sahib C.
Koti Reddi, Mr. K.
Krishnamurti, Rao Bahadur D.
Kumararaja of Venkatagiri, The.
Langley, Mr. W. K. M.
Madanagopal Nayudu, Mr. R.
Maharaja of Parlakimedi, The.
Mahboob Ali Baig Sahib Bahadur.
Manikkavelu Nayakar, Mr. M. A.
Moidoo Sahib Bahadur, Khan Bahadur T. M.
Moses, Mr. P. C.
Muhammad Meera Ravuttar Bahadur, K. P. V. S.
Muniswami Pillai, Rao Sahib V. I.
Muthiah Chettiyar of Chettinad, Raj Kumar M. A.
Muthu Chettiyar, Rao Bahadur P. C.
Nachiyappa Gounder, Mr. K. A.
Nanjappa Bahadur, Rao Bahadur Subadar-Major S. A.
Narasa Reddi, Mr. T.
Narasimhaswami, Rao Sahib D. V.
Natesa Mudaliyar, Diwan Bahadur C.
Obi Reddi, Mr. C.
Palat, Mr. R. M.
Parthasarathi Ayyangar, Mr. C. R.
Patnaik Mahasayo, Sriman M. G.
Patro, *K.C.I.E.*, Rao Bahadur Sir A. P.
Pattabhiramayya, Mr. K.
Peddi Raju, Mr. P.
Pocker Sahib Bahadur, B.
Premayya, Mr. G. R.
Rajagopala Pillai, Mr. P. V.
Raja of Khallikote, The.
Ramachandra Padayachi, Mr. P. K.
Ramakrishna Reddi, Mr. A.
Ramalingam Chettiyar, Diwan Bahadur T. A.
Ramamurti, Rao Sahib Pandit Ganala.
Raman Menon, Mr. K. P.
Ramaswami Ayyar, Mr. T. S.
Ramaswami Mudaliyar, Mr. V. M.
Rameswara Rao, Mr. G.
Ranganatha Mudaliyar, Mr. A.
Ranganatha Mudaliyar, Mr. G.
Rangaswami Reddi, Mr. M. B.
Ratnavelu Thevar, Mr. P.
Reid, Mr. D. M.
Rukmani Lakshminpathi, Mrs. A.
Russell, *I.C.S.*, Mr. T. B.
Schammad Sahib Bahadur, Khan Bahadur Mahmud.
Scott Brown, *I.C.S.*, Mr. W.
Shetty, Mr. A. B.
Siva Raj, Rao Sahib N.
Smith, Mr. J. M.
Soundarapandian, Mr. W. P. A.
Sreshta, Mr. M. S.
Srinivasan, Diwan Bahadur R.

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PRESENT—cont

Sriramulu, Mr. G.
 Subbarayan, Dr. P.
 Subrahmanya Chetti, Rao Sahib P.
 Subrahmanya Bhatt, Mr. U. C.
 Sundara Rao Nayudu, Mr. T.
 Syed Tajuddin Sahib Bahadur, Khan Sahib.
 Thangal, Mr. P. M.

Uzielli, C.I.E., I.C.S., Mr. H. R.
 Vasudeva Pillai, Mr. V. G.
 Venkatachala Reddiyar, Mr. K. C. M.
 Venugopal Nayudu, Rao Bahadur R. K.
 Yakub Hasan Sahib Bahadur.
 Zamindar of Bodinayakkanur, The.
 Zamindar of Kirlampudi, The.
 Zamindar of Mirzapuram, The.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Electricity

Details of the scheme regarding the electrification of Rasipuram in Salem district.

* 722 Q.—MR. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Law Member be pleased to state—

(a) whether it is a fact that funds have been allotted for undertaking the scheme of bringing in electric power to Rasipuram in Salem district during the coming year;

(b) if so, how much;

(c) when the scheme is likely to be completed and actual supply made;

(d) what the towns included in this scheme are;

(e) what the rates proposed to be levied for the consumption of electric current for various purposes under this scheme are;

(f) whether this scheme is to be worked out by the Government themselves departmentally or whether it is to be entrusted to any private agency; and

(g) what the anticipated percentage of income on this scheme is?

A.—(a) & (b) The proposal is one of the Part II Schemes for 1936–37 and it is proposed to provide a sum of Rs. 1,05,000 for expenditure in that year.

(c) In a year.

(d) The proposal relates only to Rasipuram.

(e) The standard Pykara retail rates.

(f) The scheme will be worked by the Government.

(g) 12.7 per cent of the capital outlay.

MR. K. A. NACHIYAPPA GOUNDER :—“ May I know, Sir, from which place the town of Rasipur is to receive its electric supply? ”

The Hon. Sir K. V. REDDI NAYUDU :—“ Notice, Sir.”

MR. K. A. NACHIYAPPA GOUNDER :—“ May I know, Sir, whether the proposal to take the line from the Karur-Trichinopoly line has been dropped? ”

The Hon. Sir K. V. REDDI NAYUDU :—“ I cannot say offhand, Sir.”

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Mr. K. A. NACHIYAPPA GOUNDER:—"Sir, the percentage of income on the capital outlay is expected to be 12.7; may I ask the Hon. Member whether the percentage cannot be reduced so that the scheme may be made more popular?"

The Hon. Sir K. V. REDDI NAYUDU:—"I believe, Sir, that that has been the standard."

Prisons and Prisoners

Health condition of Narayana Nambiyar, prisoner, Madras Conspiracy Case.

* 723 Q.—Mrs. A. RUKMANI LAKSHMIPATHI: Will the Hon. the Law Member be pleased to state—

(a) whether one Narayana Nambiyar, prisoner, Madras Conspiracy case, has been brought down to Madras for medical examination;

(b) whether the medical examination is over and whether any report has been submitted to Government; and

(c) what his present state of health is?

A.—As the prisoner, Narayana Nambiyar, was suffering from dyspeptic symptoms and abdominal pain he was brought down to Madras for medical examination in October last. The radiological report revealed the existence of a duodenal ulcer. He was admitted into the General Hospital, Madras, on 1st November 1935 for operative treatment and a report was submitted to Government. As the prisoner refused to undergo the operation he was discharged from the hospital and re-admitted into the jail. He was put on alkaline treatment and liquid diet. The latest medical report shows that he has no gastric symptoms now and that he is having good sleep at nights. His weight before he was sent to the General Hospital was 109 lb. His weight on 11th January 1936 was 111 lb.

Mrs. A. RUKMANI LAKSHMIPATHI:—"Sir, may I ask whether it does not look peculiar that the majority of political offenders suffer from stomach troubles when they are in jails; may I know whether it is due to the bad food supplied in these jails or whether political offenders are prone to such diseases?"

The Hon. Sir K. V. REDDI NAYUDU:—"It is not for me to say whether it is due to their constitution or to the food supplied in jails, but I can assure the hon. Member that the food supplied to these prisoners is just the same as that supplied to the other prisoners of their class and is believed to be the right sort of food."

Mr. U. C. SUBRAHMANYA BHATT:—"May I ask whether the Hon. Member will call for a report as to why among political prisoners there is such a large number of people suffering from stomach complaints?"

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The Hon. Sir K. V. REDDI NAYUDU :—" In the first place, Sir, it is not correct to say that there is a large number of them."

Mr. U. C. SUBRAHMANYA BHATT :—" May I ask whether he will call for a report as to the number of political prisoners who have suffered from stomach troubles during the last four or five years? "

The Hon. Sir K. V. REDDI NAYUDU :—" No, Sir, for if there has been anything serious in the matter, it would certainly have been reported to the Government already."

Mr. ABDUL HAMEED KHAN :—" May I ask for what was the prisoner asked to undergo an operation in the hospital, Sir? "

The Hon. Sir K. V. REDDI NAYUDU :—" It is stated in the answer itself, Sir,—duodenal ulcer."

Mr. ABDUL HAMEED KHAN :—" Did the Medical Officers say that operation was absolutely necessary in his case? "

The Hon. Sir K. V. REDDI NAYUDU :—" I do not know whether they said that it was absolutely necessary or not. He was advised to undergo an operation but he refused to undergo the operation."

Mr. V. M. RAMASWAMI MUDALIYAR :—" May I ask whether in this particular case the ailment complained of is due to the fact that the prisoner is put in a lower class and subjected to a lower standard of food than that to which he is accustomed in normal life? "

The Hon. Sir K. V. REDDI NAYUDU :—" I do not think so, Sir."

Control of Vehicles

Progress in the matter of the amendments of Motor Vehicle Rules.

* 724 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Home Member be pleased to state—

(a) whether the opinion invited from the Automobile Association of Southern India, the Madras Motor Vehicles Importers and Allied Merchants' Association, and the Indian Roads and Transport Development Association on the draft of the new motor rules has been received;

(b) if so, whether a copy of the opinion of each of those bodies will be placed on the table;

(c) whether persons attached to those bodies were already serving on the committee appointed to get up these draft rules.

(d) whether the district boards have been consulted in the matter of these draft rules;

(e) if so, whether and when the opinions of those bodies have been received; and

(f) whether the Government have considered the draft rules, and when they are likely to be published for public criticism and made final and brought into force?

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A.—(a) Yes, except from the Madras Motor Vehicles Importers and Allied Merchants' Association.

(b) No.

(c) Yes.

(d) Yes.

(e) Presidents of most of the district boards have forwarded their opinions.

(f) The draft rules are under consideration. It cannot now be stated when the draft rules will be published for public criticism and made final and brought into force.

Mr. K. A. NACHIYAPPA GOUNDER :—" Sir, in answer to clause (b) the Government say 'No.' May I ask why the opinions received are not placed on the table of the House for the House to study them and get the necessary information? "

The Hon. Rao Bahadur A. T. PANNIRSELVAM :—" The opinion was called for for the information and guidance of the Government."

Mr. K. A. NACHIYAPPA GOUNDER :—" With reference to clause (c), may I know where was the necessity to consult these bodies again when persons representing them have already served on the Committee? "

The Hon. Rao Bahadur A. T. PANNIRSELVAM :—" Individual members of those Associations were members of the Committee, but the Government thought it might be useful to get the opinion of those Associations as a whole."

Mr. V. M. RAMASWAMI MUDALIYAR :—" May I ask whether this Committee considered the question of third party insurance in the case of every car? "

The Hon. Rao Bahadur A. T. PANNIRSELVAM :—" Yes, Sir, I understand the question was considered."

Mr. V. M. RAMASWAMI MUDALIYAR :—" May I know what was the result of such consideration? "

The Hon. Rao Bahadur A. T. PANNIRSELVAM :—" The matter is under the consideration of the Government and they will pass orders on it later on."

Mr. K. A. NACHIYAPPA GOUNDER :—" May I ask when the rules are likely to be published for public criticism? "

The Hon. Rao Bahadur A. T. PANNIRSELVAM :—" As soon as the exigencies of official business enable us to consider the matter."

Uniformity in regulating bus traffic in the province.

* 725 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Home Member be pleased to state—

(a) whether a Government Order has been issued constituting a committee consisting of the District Magistrate, the District Superintendent of Police and the District Board President of each district

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and suggesting the fixing of fixed timings, and the number of buses on each road in the matter of regulation of hire buses;

(b) if so, whether a copy of it will be placed on the table;

(c) in which of the districts the system of fixing regular timings for the arrival and departure of hire buses, and the system of limiting the maximum number of hire buses on each road are followed;

(d) what the reasons are for not adopting the same policy in the rest of the districts;

(e) whether representations have been received for adopting a regular timing system in Salem district, and, if so, from whom and how they have been disposed of; and

(f) what the system now in force in Salem district is with regard to the hire bus traffic?

A.—(a) Yes, but it is left entirely to the local authorities in each district whether or not to arrange a fixed schedule of timings for buses.

(b) A copy of the G.O. No. 1741, Law (General), dated the 7th June 1934, on the subject is in the Legislative Council Library.

(c) & (d) Government have no information. The matter is left to the discretion of the local authorities in each district.

(e) Yes. A representation was received from the hon. Member himself and it was forwarded to the District Magistrate, Salem, who has full discretion to act in the matter.

(f) The Government have no information.

Mr. K. A. NACHIYAPPA GOUNDER:—"With reference to clauses (c) and (d) the Government say they have no information. May I ask why the Government have not called for the information to know the exact position in each of the districts and then pass necessary orders so that there may be some uniformity in the matter?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"As I have repeatedly said, to obtain uniformity in all the districts is an impossibility. Each Committee is given discretion. The Government do not propose to interfere with the discretion of the local committees which consist of the District Magistrate, the District Superintendent of Police and the President of the District Board. I do not think any useful purpose will be served by the Government calling for the information."

Mr. ABDUL HAMEED KHAN:—"May I ask whether it is open to any one of these three local authorities individually to fix the timings or make rules?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"I do not think so, Sir; it is for the Committee to do it."

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Mr. U. C. SUBRAHMANYA BHATT:—“ May I ask whether it is open to the Committee to fix the rates of fares also? ”

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—“ Notice, Sir.”

Police

Names and places of posting of the 52 Sub-Inspectors of Police recruited recently.

* 726 Q.—Rao Bahadur Subadar-Major S. A. NANJAPPA Bahadur: Will the Hon. the Home Member be pleased to state—

(a) the names of the 52 persons appointed recently as Police Sub-Inspectors showing the community to which each belonged and the places to which each is posted (vide his reply to questions—Council Proceedings, pages 354 and 355, dated 1st November 1935);

(b) how many Vanniyakula Kshatriyas have sent their applications for this post and their names also; and

(c) the subject in which a candidate should pass (qualify) before the Public Services Commission, to be selected for the post of Police Sub-Inspector?

A.—(a) The information is not readily available and the Government see no reason to call for it.

(b) Three qualified Vanniyakula Kshatriyas applied for the post and their names are—

- (1) M. Krishna Rao,
- (2) A. Arumugam, and
- (3) A. V. Loganathan.

(c) Candidates who apply to the Madras Services Commission for selection for appointment as Sub-Inspector of Police are not required to sit for any examination.

Rao Bahadur Subadar-Major S. A. NANJAPPA Bahadur:—“ With reference to the answer to clause (a) may I ask why the Government see no reason to call for the information asked for? ”

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—“ The Government thought that no useful purpose would be served by calling for information as to where these 52 sub-inspectors have been posted.”

Rao Bahadur Subadar-Major S. A. NANJAPPA Bahadur:—“ Considering that the population of Vanniyakula Kshatriyas is about 35 lakhs, may I ask why no one from this community has been appointed although 52 appointments were made? ”

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—“ I am afraid I cannot answer this question. The Services Commission can do it.”

Mr. M. A. MANIKKAVELU NAYAKAR:—“ Sir, when qualified applicants are not available from this community, the Government say that qualified applicants are not available and therefore no one from this community

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has been appointed. When in this case qualified applicants were available, may I ask why the Government did not give necessary directions to the Services Commission to select candidates from this community? If the Government do not do so, may I ask why they should not scrap the communal Government Order altogether? "

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—" The House is aware of the instructions of Government in the matter of communal representation. As the Hon. the Revenue Member stated the other day, it is certainly not possible for the Government to go on subdividing communities into infinitesimal fractions."

Land Revenue Administration

Extent of damage to Tanjore district due to cyclone.

* 727 Q.—MR. G. RANGANATHA MUDALIYAR: Will the Hon. the Member for Revenue be pleased to state—

(a) whether the extent of damage caused by the recent cyclone in Tanjore district has been ascertained;

(b) whether the Government will be pleased to lay on the table of the House the report of the Collector of Tanjore about the damage and the remedies proposed by him;

(c) what the taluks are that have been affected by the cyclone;

(d) the following details with regard to each of the taluks that have been affected by the cyclone—

(i) the number of dwelling houses that have been damaged and the number of people that have been rendered homeless;

(ii) the number of fruit-bearing and taxable trees that have been damaged;

(iii) the number of other trees that have been damaged;

(iv) the extent of damage caused to livestock;

(v) the extent of damage caused to the standing crops in the fields; and

(e) the remedial measures that have been taken till now to grant relief to the ryots in the affected areas and also the measures of relief that are proposed to be given?

A.—A copy ^a of the detailed report of the Collector is laid on the table. The Government have no other information.

Mr. T. S. RAMASWAMI AYYAR:—" Sir, in the Collector's report which is printed as an appendix to the answer given by the Government it is stated:

'It is too soon now to say definitely about the extent of remission of revenue that may have to be granted. No appreciable damage was done by the cyclone to paddy or other crops and no special remission is called for.'

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May I ask whether the Government have received any later report from the Collector regarding the damage done to paddy crops? Or have any representations been made to Government by individuals or associations pointing out the extent of the damage done to the paddy crop by the cyclone and stating that the crop has failed to a large extent and that what little was gathered contained more of chaff than paddy?"

The Hon. Sir CHARLES SOUTER:—"No, Sir."

Mr. T. S. RAMASWAMI AYYAR:—"May I ask whether any representation has been received from the Mirasidars' Association and if so, what orders the Government have passed thereon?"

The Hon. Sir CHARLES SOUTER:—"Representations have been received regarding a certain pest and they have been sent for report."

Mr. T. S. RAMASWAMI AYYAR:—"May I know whether the damage said to be caused by the pest is really the damage caused by the cyclone?"

The Hon. Sir CHARLES SOUTER:—"The Government have not sufficient information about it."

Mr. C. R. PARTHASARATHY AYYANGAR:—"With reference to what is contained in paragraph 6 of the Collector's Report, may I ask whether the Government have given any assistance to the owners of houses which fell in cyclone?"

The Hon. Sir CHARLES SOUTER:—"I have no further information than what is given in the answer."

Mr. K. A. NACHIYAPPA GOUNDER:—"May I ask whether any representations have been received from Hon. Members of this House representing the Tanjore district?"

The Hon. Sir CHARLES SOUTER:—"Not that I am aware of, Sir."

Government Order for the demolition of the mosque at Repalle (Guntur district).

* 728 Q.—S. M. K. BEYABANI SAHIB Bahadur: Will the Hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the Government have passed final orders to demolish the mosque at Repalle (Guntur) on the ground that it was built on poramboke land;

(b) whether it is a fact that the then tahsildar granted permission to construct the mosque on the site in question as it was purely in the Muslim locality and that the panchayat board also by a majority of votes passed a resolution granting permission;

(c) whether it is a fact that five Muslim M.L.Cs. approached the Hon. the Revenue Member and fully represented the case and the Hon. Member promised to enquire into the matter at once; and

(d) on what grounds have the Government passed the above orders?

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A.—(a) & (d) The Government considered the encroachment very objectionable and directed its removal.

(b) No such permission was granted by the tahsildar. The panchayat board passed a resolution on 31st August 1935, recommending the assignment of the land occupied by the mosque.

(c) Yes.

11-15 a.m. Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—" May I ask whether it is the policy of the Government to destroy mosques and places of worship like this and whether the Government are aware that their action has caused much alarm among the Muhammadan community? "

The Hon. Sir CHARLES SOUTER:—" There is no policy in this matter, Sir. This is only a particular case and the Government have dealt with this accordingly."

Mr. ABDUL HAMEED KHAN:—" May I ask whether the Government or the officer concerned gave serious consideration to the matter before resorting to the severe step of destroying a mosque on the flimsy ground of encroachment and thereby wounding the religious susceptibilities of a whole community? "

The Hon. Sir CHARLES SOUTER:—" I should say, Sir, that the Collector personally went down to the spot and he gave it as his considered opinion that the construction of the mosque in that locality was most objectionable."

Mr. MAHBOOB ALI BAIG:—" May I ask whether it is not a fact that there will be no objection to the existence of the mosque there if the mosque authorities are willing to give up the site south of the mosque? "

The Hon. Sir CHARLES SOUTER:—" Sir, I can say that this mosque is built in close proximity to a Hindu burial ground and the Collector thought that on that ground it was most objectionable to have it there."

Mr. C. BASU DEV:—" Arising out of the supplemental question of Mr. Schamnad Sahib, may I ask whether the Muhammadans are such a community as to be easily alarmed at these things? "

The Hon. Sir CHARLES SOUTER:—" That is a contention which has to be fought out between the Muhammadans and the other communities."

Mr. MAHBOOB ALI BAIG:—" May I know whether, if the portion to the south of the mosque is given up by the mosque authorities, the objection raised by some people will go? "

The Hon. Sir CHARLES SOUTER:—" Sir, I do not think it is necessary to pursue the matter further."

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Co-operation

Procedure regarding the preparation of property statements of rural co-operative societies.

* 729 Q.—Mr. G. RAMESWARA RAO: Will the Hon. the Minister for Public Works be pleased to state—

(a) who the officer or authority required to prepare property statements of rural co-operative societies is;

(b) whether there is any higher authority that checks them or scrutinizes them at any time;

(c) whether the Registrar (or his subordinates) takes these statements as a basis for fixing the maximum borrowing power of the societies concerned;

(d) who the authority is who fixes the maximum borrowing power of a society and whether the property statement of the members of the society is a factor in fixing the maximum borrowing power of the society;

(e) whether the said statements include the total of debts including interest up to date of the members of the said societies;

(f) whether only the principal of the debts due—either to the society or the other creditors—is shown in the said statements and all the interest is omitted; and

(g) if the answer to clause (f) is in the affirmative, whether there are any steps contemplated to change that practice, so that a correct estimate of the net assets of the members may be available, before the loan applications of such societies are dealt with by the financing banks?

A.—(a) & (b) Under rule V of the rules issued under the Madras Co-operative Societies Act, 1932, rural co-operative societies with unlimited liability are required to maintain a property statement of their members. The officers of the society prepare it and it is passed at a meeting of the general body. The union supervisor usually helps in the preparation and the revision of these statements every year. The departmental auditor test-checks the property statement at the time of the final audit of the society.

(c) & (d) Yes. The Registrar (the Deputy Registrar).

(e) & (f) The debts due by the members to the society and other creditors *exclusive of interest dues* are shown in the statement.

(g) No. The maximum borrowing power of a society is fixed at a figure not exceeding one-eighth of the net assets as exhibited in the property statement. No change in this

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practice is contemplated. The property statement of the society is not the only factor taken into consideration before the financing bank grants a loan to a society. The general working of the society, its management, its past history and the repaying capacity of borrowers are all taken into consideration before loans are granted.

Mr. G. RAMESWARA RAO :—" May I remind the Hon. Minister that what was in my mind when I put the question was that a circular was issued by the Registrar in 1928 or so that all debts inclusive of interest due up to date must be shown? May I ask whether it is ignored in actual practice or whether any steps are taken to enforce that circular? "

The Hon. Mr. P. T. RAJAN :—" I am not aware of it; as my hon. Friend has now brought it to my notice, I am prepared to look into the matter."

Mr. C. R. PARTHASARATHI AYYANGAR :—" May I know whether any steps are taken every year to check the solvency of persons, with reference to the statement furnished? "

The Hon. Mr. P. T. RAJAN :—" Every year the statement is revised."

Mr. C. R. PARTHASARATHI AYYANGAR :—" May I ask whether it is carried out in practice or whether it merely exists on paper? "

The Hon. Mr. P. T. RAJAN :—" I do not think it is not done in the proper way. Every year the officer concerned revises the statement."

Veterinary

Cattle mortality in North Arcot due to rinderpest and other diseases.

* 730 Q.—Mr. M. A. MANIKKAVELU NAYAKAR: Will the Hon. the Minister for Public Works be pleased to state the number of cattle destroyed by rinderpest and other diseases in the North Arcot district every year during the last five years?

A.—The attention of the hon. Member is invited to Appendix I of the Annual Administration Report of the Madras Civil Veterinary department for the last five years.

Education

Principles governing the allotment of grants to district boards for the construction of secondary school buildings.

* 731 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) what the conditions are under which local bodies are allowed grants for the construction of secondary school buildings;

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(b) what the amounts are of grants for secondary school buildings paid to each district board in each year for the past five years ending 1934-35;

(c) what the amounts applied for by each district board for such purpose in each year for the past five years are; and

(d) on what principles these distributions are made?

4.—(a) The conditions imposed are—

(1) that the school in respect of which a building grant is applied for was in existence on 12th June 1930, the date on which orders were issued by Government determining the policy to be followed in respect of subsidies to local bodies for secondary schools;

(2) that the necessity for the building is admitted by the Education department;

(3) that detailed proposals with plans and estimates are forwarded to the Director of Public Instruction and reach Government after scrutiny by the Consulting Architect before October 1st in each year;

(4) that the subsidy from Government does not exceed one-half of the cost;

(5) that the building is constructed and subsidy claimed before the end of the third financial year beginning with that in which the subsidy is promised; and

(6) that necessary funds are available with Government.

(b) The attention of the hon. Member is invited to the answer given to question No. 472 on 6th November 1935.

(c) The information asked for is not readily available.

(d) Payment of subsidies is sanctioned in respect of sanctioned schemes with reference to the actual expenditure incurred on them from time to time, the actual amount being restricted to one-half of the expenditure incurred.

Mr. K. A. NACHIYAPPA GOUNDER:—“ With reference to answer (c), may I ask the Hon. Minister to get the information? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ I do not think any useful purpose is going to be served by getting the information.”

Working of the Provident Fund Scheme in aided institutions.

* 732 Q.—Mr. G. RAMESWARA RAO: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) whether school teachers in aided institutions have the benefit of provident fund scheme in all schools (secondary as well as lower), whether managed by local boards, municipalities or private agency;

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(b) whether the teachers are allowed to adjust from the provident fund towards life insurance policies in all such institutions where the scheme exists or whether the systems differ and if so, in what respect;

(c) whether the provident fund can be invested only in Government securities or savings bank (postal) or in postal cash certificates;

(d) what the rules are that govern the investment of provident funds, their conversion and withdrawal and whether they would be placed on the table of this House;

(e) whether the Government have received any representations that the machinery which deals with these funds is very slow to act and that steps should be taken to expedite work so as to prevent losses to teachers in investing, reinvesting and withdrawing; and

(f) what, if any, are the steps taken or proposed to be taken in this connexion?

A.—(a) It is presumed that the reference is to the Provident Fund for teachers in non-pensionable service. This fund is for the benefit of teachers in recognized educational institutions under private management; teachers in institutions managed by local bodies are not allowed to subscribe to this fund.

(b) to (d) The hon. Member is referred to the rules relating to the fund published at pages 73–79 of Part I-B of the *Fort St. George Gazette*, dated 21st February 1933.

(e) & (f) No representations of the kind have been received.

Mr. G. RAMESWARA RAO:—“ May I know whether any resolution of the South Indian Teachers' Association has been sent up to the Government in that connexion? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ The answer says that no representation has been received.”

Delay in the disposal of applications from teachers for closing their provident fund accounts.

* 733 Q.—Mr. G. RAMESWARA RAO: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) the number of applications in the Presidency in each of the last three years received from teachers in non-pensionable service in aided secondary schools for permanent closure of their provident fund accounts;

(b) the number of applications in each of the said years, on which full claims have been paid together with contributions from the Government;

(c) the number of applications in which contributions from the Government alone, are pending payment; and

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(d) the normal amount of period in dealing with such applications and the maximum delay and minimum delay in the last three years?

A.—The Government have no information and do not consider the subject to be of sufficient importance to justify the time involved in obtaining the information asked for.

Mr. G. RAMESWARA RAO:—"My only idea in sending up this question is not to get the figures for any fancy purposes but to point out to the Government the delay . . ."

The Hon. the PRESIDENT:—"Order, order; the hon. Member has to put only the supplementary question; I have been observing that the hon. Member is invariably making a speech every time."

Mr. G. RAMESWARA RAO:—"I was premising my interpellation. May I ask the Hon. Minister to see that the matter is expedited so that there will not be any delay?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I shall consider if any further steps are required for expediting these applications."

Amount of grant allotted under Elementary Education during the years 1934-35 and 1935-36.

* 734 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) the amount of Elementary Education grant allotted to each district during the years 1934-35 and 1935-36;

(b) the amount of Elementary Education grant which has remained unspent in each district during the period; and

(c) how the allotment to each district is made by the department and what the principles followed are when the grant is allotted to each district?

A.—(a) & (b) It is presumed that the reference is to the teaching grant allotment. The particulars relating to the year 1934-35 are given in the appended statement.^a Similar figures for the year 1935-36 are not yet ready.

(c) Figures relating to the assessed grant for each district are supplied by the District Educational Officer in the case of boys' schools and the Inspectress of Girls' Schools in the case of girls' schools and the available budget provision is distributed with reference to these figures in the same proportion to all District Educational Councils.

Representations for the reduction of tuition fees in the Law College, Madras.

* 735 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) whether any representations have been received for reducing the rate of tuition fees in the Law College at Madras; and

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(b) if so, from whom and what action has been or is proposed to be taken thereon?

A.—No such representations have been received.

Mr. K. A. NACHIYAPPA GOUNDER:—" May I ask whether the Government are proposing to examine the question of reducing the tutorial fees in view of the fact that there is a surplus of income every year? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" If it is the hon. Member's idea that the tuition fees must be reduced, I must say that I am opposed to that."

Mr. C. R. PARTHASARATHI AYYANGAR:—" Will the Hon. Minister be pleased to give us a statement showing the expenditure incurred every year in the college? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Notice."

Mr. V. T. ARASU:—" May I know whether the Hon. Minister is aware of the fact that at a students' meeting a resolution was passed requesting the Government to reduce the fees? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I do not think any such representation has been received by the Government."

Mr. K. KOTI REDDI:—" If the Hon. the Education Minister is opposed to the reduction of fees in the Law College, will there not be a fall in the strength of the students? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" We have got enough lawyers; no useful purpose is going to be served by unduly increasing their number."

Mr. T. S. RAMASWAMI AYYAR:—" May I ask if it is not the duty of the Government to see that the administration of the Law College should not be considered from the point of view of a commercial proposition but that only as much fee as they would require to be spent on the College should be levied and that they do not penalize legal education? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" They do not regard it as a commercial proposition. If the hon. Member will look at education as a whole, the Government are put out of pocket to a very large extent."

Mr. ABDUL HAMEED KHAN:—" Will the Hon. Minister be pleased to state whether it is the policy of the Government to reduce the number of Law Graduates year after year and whether they have any such scheme? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" That is not a matter with which I am concerned; probably the Hon. the Law Member will have to deal with such a question."

Mr. U. C. SUBRAHMANYA BHATT:—" May I know if the Hon. Minister thinks that the increased fees has resulted in a reduced number of lawyers in the Presidency? "

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The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"To a small extent it has reduced the number; I would welcome a greater reduction."

Mr. G. RAMESWARA RAO:—"Will the Hon. Minister be pleased to state whether the Government are likely to recognize any private Law College provided it conforms to certain rules prescribed by the Government?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Such a proposal has not come in."

Mr. M. DEVADASAN:—"Is it not a fact that the members of the staff are underpaid in the Law College in spite of the increase in the income of the College?"

* The Hon. the PRESIDENT:—"That question does not arise."

Diwan Bahadur T. A. RAMALINGAM CHEETIYAR:—"Will the Hon. Minister be pleased to state whether there is any proposal to transfer the College to the Bar Council?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"There is no such proposal before the Government."

Excise

Proposals for opening additional toddy and arrack shops during the ensuing year.

* 736 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) how many toddy and arrack shops existed in each district in each year for the past five years including 1935-36;

(b) how many new shops are proposed to be opened in each variety during the coming year in each district; and

(c) what the reasons are for the opening of these proposed new shops?

A.—(a) The attention of the hon. Member is invited to the answer to question No. 95 answered on 3rd August 1934 and the answer to question No. 404 answered on 22nd January 1935, which give the information up to 1934-35. In 1935-36, the number of toddy and arrack shops sold was ten thousand one hundred and thirty-eight and five thousand seven hundred and one respectively. District-war particulars of toddy shops for 1935-36 are not available. A statement* is appended showing the number of arrack shops in each district for 1935-36.

(b) The Government have no information.

(c) The attention of the hon. Member is invited to the answer to question No. 667.

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Mr. K. A. NACHIYAPPA GOUNDER:—" May I ask the Hon. Minister whether he is aware that new shops are being opened in a number of districts including Salem? I wish to know whether the Government have any particular object in opening new shops? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" It is a matter which is left to the Collector, the Advisory Committee and the Licensing Board in that particular area."

Mr. K. A. NACHIYAPPA GOUNDER:—" Will the Hon. Minister be pleased to say whether the opening of new shops does not conflict with the policy of the Government in connexion with the question of prohibition they have declared? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Not necessarily; with a view to prevent illicit practices, it is necessary to open additional shops."

Mr. T. S. RAMASWAMI AYYAR:—" Will the Hon. Minister be pleased to state whether he is aware that the promised millennium of total prohibition has not been reached although the period during which total prohibition was sought to be reached, is mostly over? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I do not think that such a general question as that arises out of this simple question."

Mr. V. M. RAMASWAMI MUDALIYAR:—" In view of the policy to which the Government are committed, may I ask why the Government did not circularize the Excise Officers as regards the desirability of restricting the number of shops? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" They know the policy of the Government very well."

Mr. V. M. RAMASWAMI MUDALIYAR:—" In view of the increase in the number of shops cropping up, may I ask whether the Government are prepared to refresh the memories of these officers? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Whenever new shops are being opened, it is done with a view to stop illicit practices and I do not think the Government should stand in the way of having new shops opened, for that purpose."

Opening of liquor shops in the City of Madras on forbidden days.

* 737 Q.—Diwan Bahadur R. SRINIVASAN: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) whether the Government have issued orders to close liquor shops on Sundays, public holidays and election days in accordance with the resolution passed by this Council on the 8th August 1929; and

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(4) if the answer be in the affirmative, whether the Government are aware that the following shops were kept open in the City of Madras on Sunday, the 19th January 1936:—

At Triplicane, Shop No. 6 at 11-35 a.m.

At Triplicane, Shop No. 15 at 11-30 a.m.

At Chintadripet, Shop No. 9 at 12-15 p.m.

At Periamet, Shop No. 11 at 12-25 p.m.

At Vepery High Road, Shop No. 4 at 1-40 p.m.

At Seven Wells Street, Shop No. 2 at 2-35 p.m.

At Audiappa Naik Street, Georgetown, Shop No. 3 at 3 p.m.

At Pudurpet, Shop No. 12 at 3-30 p.m.

At Royapetta, Shop No. 16 at 5 p.m.

- A.—(a) The attention of the hon. Member is invited to the answer to question No. 1474 answered on 24th February 1930. The restrictions imposed in 1930 have been removed subsequently in certain cases as they have proved ineffective, have stimulated illicit practices and have affected the Government revenues.
- (b) The Government have no information.

Mr. ABDUL HAMEED KHAN:—“ When the Government accepted the resolution of this House with regard to the restriction of non-opening of the shops on holidays and festival days, may I ask whether the Government did not realize at that time that the revenues of the Government would be affected? After having accepted that policy, why should the Government say now that they have given up that policy because the Government revenues are affected? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ The Government did pass orders in pursuance of the resolution accepting to a great extent what this Council wanted.”

Mr. ABDUL HAMEED KHAN:—“ May I ask whether the Government did not realize at the time of accepting that resolution, that there would be a fall in the revenues? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ That was not the only reason for the relaxation of the Government Order; in certain specific areas illicit practices grew up and there was a public demand for these shops being kept open and the report of the officers was to the effect that by reason of the illicit practices revenue which ought to come to the Government was being lost.”

Mr. M. A. MANIKKAVELU NAYAKAR:—“ What is the data on which the Government say that the closure of toddy shops has affected Government revenues? The fall in revenue may be due to the general economic depression? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ That was not the only reason for the relaxation of that rule; there were many other reasons which made the relaxation of the rule necessary.”

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Rao Sahib V. I. MUNISWAMI PILLAI:—" May I ask whether the Government would reconsider that decision and give full effect to the resolution passed on 8th August 1929? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" If it is found that in any specific case it has become now possible to put the original order in force, we will consider it."

Mr. V. M. RAMASWAMI MUDALIYAR:—" Are we to take it that it is the policy of the Government to open more shops in places where there is illicit traffic? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" That is the only way to stop illicit traffic."

Mr. T. S. RAMASWAMI AYYAR:—" May I ask if it is the policy of the Government that, if crime increases, they should not try to put a stop to it but to relax the provisions of the Indian Penal Code punishing crime? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I do not quite follow the hon. Member."

Mr. T. S. RAMASWAMI AYYAR:—" When there is illicit traffic, will not the Government stop it? Will they permit people to take to more drinking? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Where there is illicit traffic, offenders are prosecuted also."

Mr. K. KOTI REDDI:—" May I know how the Government propose to reach the supposed goal of total prohibition within twenty years? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" This question can well be taken up at the time of the budget discussion."

UNSTARRED QUESTION

Territorial Changes

Representations for the location of a Deputy Tahsildar's Office at Sompeta, Ganjam.

738 Q.—Rao Bahadur Sir A. P. PATRO: Will the Hon. the Member for Revenue be pleased to state—

(a) whether it was proposed to establish a Tahsildar's office and a Sarishtadar-Magistrate at Ichchapur in the portion of the Ichchapur taluk remaining in the Madras Province;

(b) whether the conditions in Sompeta are more favourable for locating a Deputy Tahsildar's office;

(c) whether this matter was investigated by the District Collector and, if so, what his report was;

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(d) whether there were representations from the several villages in Sompeta taluk praying for location of a Deputy Tahsildar's office at Sompeta; and

(e) what orders were passed by the Government thereon?

A.—(a) In November last the Government tentatively approved certain proposals for the reconstitution into a single district of the portions of the Ganjam and the Vizagapatam districts that would remain in this Presidency after the formation of the Orissa Province, and asked the Collectors of the two districts to publish these proposals for criticisms in their respective district gazettes and submit a report through the Board of Revenue after the 31st December 1935 on any objections received. The proposals contemplate the formation of a new taluk of Ichchapur with a Tahsildar and a Sarishtadar-Magistrate at Ichchapur. The reports of the Collector and the Board of Revenue have been received and the matter is under consideration.

(b) & (c) The Government considered the arrangement for a Taluk office at Ichchapur proposed by the Collector, Ganjam, to be the best.

(d) Certain representations to this effect have been received.

(e) The matter is under consideration.

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—THE MADRAS DEBT CONCILIATION BILL (BILL No. 9 OF 1934).

* The Hon. the PRESIDENT:—"The House will proceed to consider item No. 1 on the agenda before them—the Debt Conciliation Bill of Mr. Ramalingam Chettiyar."

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Sir, I beg to move that the Madras Debt Conciliation Bill (Bill No. 9 of 1934) be further considered."

The motion was duly seconded.

The motion was put and carried.

Preamble.

* The Hon. Sir K. V. REDDI NAYUDU:—"Sir, I wish to move a few amendments which are found necessary in the Bill as considered by the Council. I beg to move the following amendment:—

'In lines 2 and 3 of the second paragraph of the preamble, omit the words, figures, brackets and letter "required by sub-section (3) of section 80-A of the Government of India Act".'

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Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"I second it."
The amendment was put and carried.

The preamble, as further amended, was put and carried.

Clause 1.

* The Hon. Sir K. V. REDDI NAYUDU:—"Sir, I beg to move—

'(1) *In sub-clause (1) for the figures "193" substitute the figures "1936."*

(2) *In sub-clause (3) for the word "direct" at the end, substitute the word "appoint".*"

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"I second it."

The amendment was put and carried.

Clause 1, as further amended, was put and carried.

Clause 2.

* The Hon. Sir K. V. REDDI NAYUDU:—"I move—

'For sub-clause (a), substitute the following:—

"(a) 'landholder' means a person holding land under a Sanad-i-Milkiyat-i-istimrar, a zamindar, shrotriyamdar, jagirdar, or inamdar, a person farming the land revenue under Government, and a holder of any land under ryotwari settlement or in any way subject to the payment of revenue direct to Government."

(2) *In sub-clause (b), omit the words "The expression" at the commencement.*

(3) *In line 2 of sub-clause (c), omit the word "and" and in line 4 of that sub-clause, omit the word "and" before the word "sericulture."*

(4) *In sub-clause (j), for the words "is one for whose debt he holds," substitute the words "means a creditor who holds for his debt".*"

Diwan Bahadur T. A. Ramalingam Chettiyar seconded the motion.

The amendment was put and carried.

Clause 2, as further amended, was put and carried.

Clause 6.

* The Hon. Sir K. V. REDDI NAYUDU:—"I move—

'*In line 1 of sub-clauses (1) and (2), for the word "presented," substitute the word "made".*"

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"I second it."

The amendment was put and carried.

Clause 6, as further amended, was put and carried.

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Clause 6-A.

* The Hon. Sir K. V. REDDI NAYUDU :—" I move—

' Renumber the clause as clause 7 and in line 4 of that clause, for the word " presenting " substitute the word " making " . '

Diwan Bahadur T. A. Ramalingam Chettiyar seconded the motion. The amendment was put and carried.

Clause 6-A, as further amended, was put and carried.

Clause 7.

* The Hon. Sir K. V. REDDI NAYUDU :—" I move—

' (1) Renumber the clause as clause 8.

(2) In line 3 of sub-clause (1), for the word, figure and letter " section 6-A," substitute the word and figure " section 7."

(3) In line 1 of sub-clause (3), for the word " filed," substitute the word " made " and in line 2 of the same sub-clause, for the words " on his appearance shall," substitute the words " shall, on his appearance " . '

Diwan Bahadur T. A. Ramalingam Chettiyar seconded the motion. The amendment was put and carried.

Clause 7, as further amended, was put and carried.

Clause 7-A.

* The Hon. Sir K. V. REDDI NAYUDU :—" I move—

' Renumber the clause as clause 9.' "

Diwan Bahadur T. A. Ramalingam Chettiyar seconded the motion. The amendment was put and carried.

Clause 7-A, as renumbered, was put and carried.

Clause 8.

* The Hon. Sir K. V. REDDI NAYUDU :—" I move—

' Renumber the clause as clause 10.' "

Diwan Bahadur T. A. Ramalingam Chettiyar seconded the motion. The amendment was put and carried.

Clause 8, as renumbered, was put and carried.

Clause 9.

* The Hon. Sir K. V. REDDI NAYUDU :—" I move—

' Renumber the clause as clause 11 and in line 3 of sub-clause (1), for the word and figure " section 8," substitute the word and figures " section 10 " . '

Diwan Bahadur T. A. Ramalingam Chettiyar seconded the motion. The amendment was put and carried.

Clause 9, as further amended, was put and carried.

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Clauses 10 and 11.

* The Hon. Sir K. V. REDDI NAYUDU:—" I move—

' Renumber the clauses as clauses 12 and 13 respectively.' "

Diwan Bahadur T. A. Ramalingam Chettiyar seconded the motion.

The amendment was put and carried.

Clauses 10 and 11, as renumbered, were put and carried.

Clause 12.

* The Hon. Sir K. V. REDDI NAYUDU:—" I move—

' (1) Renumber the clause as clause 14 and in line 1 of sub-clause (2), for the words "thus made," substitute the words, figure and brackets "made under sub-section (1)."

(2) In line 3 of sub-clause (4), for the word and figure "section 8," substitute the word and figures "section 10".' "

Diwan Bahadur T. A. Ramalingam Chettiyar seconded the motion.

The amendment was put and carried.

Clause 12, as further amended, was put and carried.

Clause 12-A.

* The Hon. Sir K. V. REDDI NAYUDU:—" I move—

' Renumber the clause as clause 15.' "

Diwan Bahadur T. A. Ramalingam Chettiyar seconded the motion.

The amendment was put and carried.

Clause 12-A, as renumbered, was put and carried.

Clause 12-B.

* The Hon. Sir K. V. REDDI NAYUDU:—" I move—

' Renumber the clause as clause 16 and for the words and figures "the first day of June 1933" at the end, substitute the words "the said date".' "

Diwan Bahadur T. A. Ramalingam Chettiyar seconded the motion.

The amendment was put and carried.

Clause 12-B, as further amended, was put and carried.

Clause 14.

* The Hon. Sir K. V. REDDI NAYUDU:—" I move—

' Renumber the clause as clause 17 and for the word and figures "section 12," substitute the word and figures "section 14".' "

Diwan Bahadur T. A. Ramalingam Chettiyar seconded the motion.

The amendment was put and carried.

Clause 14, as further amended, was put and carried.

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Clause 15.

* The Hon. Sir K. V. REDDI NAYUDU:—" I move—

- (1) Renumber the clause as clause 18.
- (2) In line 2 of sub-clause (3), for the word and figures " section 12," substitute the word and figures " section 14 " and in line 11, for the words " assets provided if any in the agreement for the agreed debts," substitute the words " assets, if any, set apart in the agreement for the satisfaction of the agreed debts " " ."

Diwan Bahadur T. A. Ramalingam Chettiyar seconded the motion.
The amendment was put and carried.

Clause 15, as further amended, was put and carried.

Clause 16.

* The Hon. Sir K. V. REDDI NAYUDU:—" I move—

- (1) Renumber the clause as clause 19.
- (2) In sub-clause (a) (3), for the word and figures " section 12," substitute the word and figures " section 14."
- (3) In sub-clause (a) (4), for the word and figure " section 8," substitute the word and figures " section 10," for the words " under the proviso to that sub-section," substitute the words, figure and brackets " under sub-section (3) of that section," and at the end insert the word " or."
- (4) In sub-clause (b), for the word and figures " section 15," substitute the word and figures " section 18 " " " ."

Diwan Bahadur T. A. Ramalingam Chettiyar seconded the motion.
The amendment was put and carried.

Clause 16, as further amended, was put and carried.

Clause 17.

* The Hon. Sir K. V. REDDI NAYUDU:—" I move—

' Renumber the clause as clause 20 ' ."

Diwan Bahadur T. A. Ramalingam Chettiyar seconded the motion.
The amendment was put and carried.

Clause 17, as renumbered, was put and carried.

Clause 17-A.

* The Hon. Sir K. V. REDDI NAYUDU:—" I move—

' Renumber the clause as clause 21 and in line 3, for the word and figures " section 12," substitute the word and figures " section 14 " " " ."

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Diwan Bahadur T. A. Ramalingam Chettiyar seconded the motion. The amendment was put and carried.

Clause 17-A, as further amended, was put and carried.

Clauses 18 to 22.

* The Hon. Sir K. V. REDDI NAYUDU:—"I move—

- ' (1) Renumber the clauses 18, 19, 20, 21 and 22 as clauses 22, 23, 24, 25 and 26 respectively.
- (2) In clause 25 as so renumbered, for the words "shall be suspended," substitute the words "shall not be proceeded with" ' ' ' "

Diwan Bahadur T. A. Ramalingam Chettiyar seconded the motion. The amendment was put and carried.

Clauses 18, 19, 20, 21 and 22 as further amended, were put and carried.

Clause 23.

* The Hon. Sir K. V. REDDI NAYUDU:—"I move—

- ' (1) Renumber the clause as clause 27.
- (2) In line 5 of sub-clause (1), for the words "had continued," substitute the words "were pending."
- (3) In sub-clause (2), for the words and figures "shall be excluded from computation under section 48 of the Code of Civil Procedure or the Limitation Act in all proceedings taken to recover debts in civil courts," substitute the words and figures "shall, in all suits filed or proceedings taken, in civil courts to recover debts, be excluded from computation under section 48 of the Code of Civil Procedure, 1908, or under the Indian Limitation Act, 1908" ' ' ' "

Diwan Bahadur T. A. Ramalingam Chettiyar seconded the motion. The amendment was put and carried.

Clause 23, as further amended, was put and carried.

Clause 24.

* The Hon. Sir K. V. REDDI NAYUDU:—"I move—

- ' Renumber the clause as clause 28 ' ' ' "

Diwan Bahadur T. A. Ramalingam Chettiyar seconded the motion. The amendment was put and carried.

Clause 24, as renumbered, was put and carried.

Clause 25.

* The Hon. Sir K. V. REDDI NAYUDU:—"I move—

- ' (1) Renumber the clause as clause 29, and for the opening paragraph substitute the following, namely:—

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- “(1) *The Local Government may make rules to carry out all or any of the purposes of this Act and not inconsistent therewith.*
- (2) *In particular and without prejudice to the generality of the foregoing power, they shall have power to make rules . . .*”
- (2) Omit sub-clause (b) and for sub-clause (a) substitute the following sub-clauses, namely:—
 - “(a) *with reference to all matters expressly required or allowed by this Act to be prescribed;*
 - (b) *regulating the procedure before a board;*”.
- (3) In sub-clause (f), for the words and figures “under section 11,” substitute the words and figures “and the production of documents under section 13” and at the end insert the word “and”.
- (4) In sub-clause (g), for the word and figures “section 12,” substitute the word and figures “section 14.”
- (5) Omit sub-clauses (h) and (i).”

Diwan Bahadur T. A. Ramalingam Chettiyar seconded the motion. The amendment was put and carried.

Clause 25, as further amended, was put and carried.

Clause 26.

* The Hon. Sir K. V. REDDI NAYUDU:—“I move—

- ‘(1) Omit sub-clause (1) and renumber sub-clauses (2) and (3) as sub-clauses (3) and (4) respectively of clause 29.
- (2) In sub-clause (3) as so renumbered, after the word “rules” insert the words “made under this Act” and for the words “previous publication,” substitute the words “the rules being made after previous publication.”
- (3) In sub-clause (4) as so renumbered, for the words “where the breach is a continuing one, with further fine which may extend to ten rupees for every day after the first during which the breach has been persisted in,” substitute the words “in case of a continuing breach with fine which may extend to ten rupees for every day during which the breach continue after the first breach”.”

Diwan Bahadur T. A. Ramalingam Chettiyar seconded the motion. The amendment was put and carried.

Clause 26, as further amended, was put and carried.

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—“I now 11-45
move, Sir, that this Bill be passed into law. It is now nearly three a.m.
years since I made an application to the Government for sanction to
introduce this Bill. Sir, much water has flown under the bridge since
then. But in spite of it, Sir, on account of the rules of procedure and also

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of the attitude of Government it has not been possible to bring the Bill up to date. Sir, at the time when I gave notice the only Government that had moved for the relief of the agriculturist was the Central Provinces Government and it has passed a Bill on the lines of which I drafted mine for the purpose of avoiding difficulties, as mine was a non-official Bill. Sir, unfortunately our Local Government did not see its way to help me. On the other hand I had to run a sort of obstacle race and had at every turn to fight for some facility or other. Thus there has been a long delay extending over two years. If the attitude of the Government had changed I do not know whether it was due to the fact that the personnel of the Government has changed since then, or whether it was due to the fact that the other Local Governments in India were then moving much faster and they had been introducing legislation; or, it may be, I do not know for certain, due to the pressure from the Government of India itself. Whatever the reason, for over two years no progress could be made and even after the present Law Member took charge he could only meet me by saying that he would have the whole matter examined by a special officer. Sir, it was lucky that the special officer was able to report within a few months and his report strengthened my hands very much indeed. I also have to acknowledge that since the receipt of the report of the special officer the attitude of the Government changed very much in favour of this Bill and they have been giving me facilities which I did not get earlier. At the same time, I should say that the Government after reading the report ought to have seen that the present Bill was not enough. Probably seeing what the other Governments are doing and the requirements of the ryots something further may be done. Sir, in the Select Committee several attempts were made especially by my friends, Mr. Peddi Raju, Mr. Koti Reddi and Mr. Krishnayya Choudari, to improve the Bill on the lines of the Agriculturists' Relief Acts passed in the Punjab and in the United Provinces and now under consideration in Bengal. Sir, I along with the Government had to oppose those amendments not because I was not in sympathy with the objects of the amendments that were proposed, not because I thought they were not required in the circumstances of the country but because those amendments did not come under the scope of the Bill and it was said that if any of those amendments were to be accepted, the sanction of the Governor-General would have to be obtained afresh for the further progress of the Bill. Situated in that position I thought after waiting $2\frac{1}{2}$ years for the progress that was made in the course of this Bill, it was not safe to wait still further and get a fresh sanction from the Governor-General and re-introduce the Bill. So I pressed for its early passage through the Select Committee. If any supplementary Bill or Act is necessary, I think a fresh measure will have to be introduced in this Council. I may say at once that I did not consider that this Bill is quite enough to meet the situation arising out of the depression and also the very sad condition in which the agriculturists are in this province. But at the same time I consider that this Bill is a move forward and so it ought to be passed at once and any supplementary provision or

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additional provisions may be introduced by an amending measure or by a new measure. That is the attitude with which I proceeded with this Bill and ask that the Bill be passed into law. Well, Sir, I said at the outset itself that this Bill if it was to give relief even to the limited extent I hope it will give relief financial backing was necessary. I said that unless there was some financial backing, unless there was some agency coming forward to pay the conciliated amount, there was no chance for the successful working of this measure. I thank the Hon. the Revenue Member and the Hon. the Finance Member for having introduced the necessary amendment in the Agriculturists' Loans Act so that the poorer ryots can be helped. If their debts are cleared through the means of the Debt Conciliation Board, for that the thanks will be due to the Government. That is really a forward measure and in the other provinces they have not come forward to give even this sort of relief. To this extent we are blessed. For the rest the Government have not taken the responsibility to give further relief which the other Local Governments are giving, especially in Bengal and the Punjab. So, Sir, I am glad that the position is better than what it was when I introduced the Bill or when the Bill came before the Council for being referred to the Select Committee; because it has got a financial backing at least with reference to the poorer ryots whose needs can be met by a loan of Rs. 2,000 which the Government have fixed as the maximum now. Sir, as I said yesterday that the Government can go still further and reduce the rate of interest from what they have fixed under the rules framed under the Agriculturists' Loans Act. Government are aware that the position of the agriculturist is very bad indeed. Sir, on account of the depression and the lower prices he has been hard hit. He has been hard hit not in the same way in which others are hard hit. For instance, if we take persons like wage-earners, employees of Government and other persons who get regular money income, their position, if anything, has become better by the prices going down. On the other hand, the prices of agricultural produce have gone down and the net result is the ryot has to pay the debts he borrowed, as represented by the coin of the realm, which at the present moment is worth more than what it was worth at the time he borrowed. Not only that, he has to pay Government tax at the same rate. The labourers and others whom he has to pay, he has to pay as he used to do in the old days. But the income has gone down. The whole burden is now thrown on the poor agriculturist. That has been the result. Such being the case it is up to Government to show the concession that is possible and reduce the rate of interest which they are asking at present. Sir, so I appeal to the Government to reduce the rate of interest as soon as possible. Not only that; if this Bill becomes law, as I said yesterday, the financial backing which is necessary to the Bill, i.e., the relief under the Agriculturists' Loans Act should be available throughout the Presidency. If the Government are going to work it only in some selected areas the benefit of this Bill and the provisions of the Agriculturists' Loans Act won't be available to the whole province.

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So I appeal to Government again that the applications for relief from ryots throughout the province may be received through the ordinary channel and the deputy collectors and the tahsildars may be instructed to give relief as early as possible. In cases where the number of applications is large, the Government may appoint special agency. It is only in that way that the benefit of this Bill would be widely spread. The benefit of the amendment already passed under the Agriculturists' Loans Act can also be widely spread. So I appeal to Government once again that they should consider this matter and make the applications receivable in every district in the province without restricting them only to the areas selected.

Well, Sir, there are some provisions which we could have introduced in the Bill. There is one matter which has been persistently urged, namely, the question of giving power to the boards to pass awards of their own in case there was no agreement. That is a matter on which legislation has been introduced in Bengal and passed in the Punjab. That is a matter which is for the further consideration of Government—whether they ought to bring legislation on the same lines as in the Punjab and the Bengal.

Well, Sir, having said about these provisions, there is one matter which I will have to refer to. I have seen some notices in the press that the Bill has been changed out of recognition by this Council and by the Select Committee by the amendments that have been carried. I beg to submit that is a very much exaggerated view of the matter. There is only one amendment which has been passed and which will affect in any way the working of the Bill as originally proposed. I am very sorry indeed that the amendment has been passed. At the time it was passed I protested. But in spite of my protest it was passed and there was no chance of the Bill being passed except with the amendment. I mean, Sir, the amendment which took away rent as one of the items of debts which have to be taken into consideration under this Bill. Sir, as a result of the amendment that has been carried, as in all zamindari areas the ryots will be indebted to the zamindar for the rent that became payable and as the rent according to the amendment that has been carried is not to come under the scope of this Bill, conciliation won't be possible in the case of the debts of the zamindari ryots. "Now, if the debts of a person are to be conciliated, all his debts will have to be included—the Government themselves have adopted this in the rules issued under the Agriculturists' Loans Act—and now if rent is taken away from the category of debts, it is not possible to conciliate all the debts of the ryot. So, Sir, a very considerable part of the ryots in the zamindari areas will not be able to come under the scope of the Bill. So, the benefit, if any, coming out of this Bill will be denied to the ryots in the zamindaris. To that extent an inroad has been made in the provisions of the Bill by the amendment that has been passed. That is no doubt a very serious matter. But I say that except for that particular amendment, no other amendment has been passed

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either in the Select Committee or in the Council which goes to minimize the effect of the Bill or to change in any way the shape of the Bill.

“ So, Sir, that is the position. I hope the Press will give publicity to my remarks because I have heard in several quarters that a misapprehension or a mistaken impression has been created and people are thinking that the amendments passed have changed the whole aspect of the Bill and that the Council has done a lot of mischief. I shall have to refer to one matter to which the zamindars were parties. For instance, the Hon. the Raja of Bobbili, the Kumararaja of Venkata-giri and others were present at a conference at Tiruttani, and they told the ryots who were gathered there that they were going to support my Bill as well as the Bill of my hon. Friend, Mr. Patnaik, which is going to be taken up presently. They said they agreed with the principle of the Bill if not the wording. With reference to the concessions to the ryots due to the economic depression or for scarcity or things like that, these zamindars and their party promised to give their support. That is what they said in Tiruttani. Only two or three months later, they come here to the Council and introduced this amendment. Thereby the very thing they promised to the ryot was denied to them. They say, ‘ so far as we are concerned, do not bring in any legislation, do not have any conciliation, we want to be free to settle our claims with the ryots. You better have your Bill applied to others than zamindari ryots.’ That is the sort of self-sacrifice I suppose they are capable of, whatever they may say. Well, Sir, after having said all that at Tiruttani, that they should come and press for an amendment of that sort and have it passed in the Council is a thing for which they will have to give an account to their own followers and to the ryots in their own zamindaris. (Sriman M. G. Patnaik Mahasayo: ‘ This is not the time for preaching against zamindars.’) Sir, that is a thing which we will have to take into consideration, namely, the professions of the zamindars and their practice. Well, Sir, as I said, except to that extent, the Bill has not been changed.

“ Now, Sir, I have only got to thank the officers of the Council office as well as the Law (Drafting) Department for the interest they have taken and the speed with which they got the papers prepared at the several stages of this Bill. Especially the Law (Drafting) Department have, within the last two or three days, been able to get through the whole thing and bring out the amendments that were necessary at the third reading. With these words, I move that the Bill be passed into law.”

Mr. K. A. NACHIYAPPA GOUNDER:—“ I beg to second the motion.”

* The Hon. the PRESIDENT:—“ May I point out to the hon. Members that we have got a very long agenda and only a very few hours more before us? If every hon. Member wants to speak with regard to this particular Bill, we shall not be able to make any appreciable progress in the agenda put down for to-day. If any hon. Member is particularly anxious to speak, I can only recommend to him to speak with restraint and take only a few minutes.”

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Rao Bahadur Sir A. P. PATRO:—"Sir, may I rise to express the feeling and attitude of this House that they have only one non-official day available while there is so much non-official work to be got through? You said, Sir, the only day the Government have allotted for that work is this day and no more. So, we non-officials will have to rest content with what the Government have allotted to us, and we must make the best use of the very limited time at our disposal."

* The Hon. the PRESIDENT:—"I may also remind the hon. Member that his colleague, the hon. Member from Ganjam, has got his Bill to get through to-day."

Rao Bahadur Sir A. P. PATRO:—"I am only concerned with the present Bill before us, namely, the Debt Conciliation Bill. The Debt Conciliation Bill is not an ordinary measure. It is a very important measure which affects the interests of the ryot population of this province, and I really appreciate the great interest taken and the very sincere effort put forward by the hon. Member from Coimbatore, Mr. Ramalingam Chettiyar, in bringing forward this Bill. Surely it requires a great deal of courage in one to bring up a Bill and to see that the measure which is introduced is altogether changed out of shape when it has been amended up to the third reading. That is the one phenomenon which the hon. Members of this House will observe, and we do not know whether the Bill originally introduced is identifiable with the one which has been passed finally. I do not know whether its change of shape is due to the hand of the Government or whether it is the hon. Member from Coimbatore who invited it. But we cannot realize that it would be to the great advantage of the people of this province as was promised by my hon. Friend, the Mover of the Bill, in the earlier stage. He has made every endeavour to see that the shape and form which he has given to the Bill were retained in the course of the discussions here. I must congratulate him on the work he put forward in the Select Committee for maintaining his position. But the Select Committee thought otherwise, and therefore we see that the Bill is not what it was originally but has assumed a very different form altogether."

"But, Sir, what is the effect of this Bill? Has the object with which this Bill was introduced been served in any way? Debt conciliation—a very alluring expression indeed! But what is it that we are going to provide in the Bill? Nothing. (Laughter.) A Board! What are the powers of the Board? Nothing. (Laughter.) Some debtors may rightly or wrongly combine together with their friends and relations and create a number of debts, which we do not know are real or unreal, and yet for satisfying the rule they may be debts. It may be that 50 per cent of the debtors or creditors may appear before a Board and ask for conciliation. What has the Board to do? Are there any sanctions provided in the Bill for the purpose of giving effect to the decisions of the Board or to the provisions of this Bill or to the recommendations of this House? There being no sanction whatever behind, no power will be vested in the board for carrying out

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its decisions. What is the use of making a provision which is only nominal? We do not want such a Bill. The hon. Member from Coimbatore referred to the next Bill that is coming up. Even there, if the ryots have been asking for bread, a stone is given to them. That is what I am going to say later on when I have a chance on that Bill. As for this Bill, a number of creditors have to come together and apply to the board. The board has simply to enquire into the debts and say 'if you do not care to carry out what we are going to decide, all that you are entitled to is to go to a court of law.' The right to the entire amount of the pro-note remains with the creditor, and he has got the right to realize every penny of the debt. Therefore, if any benefit is given to the debtor in the form of reduction of his debt, that decree of the board will be valid only to the extent that the creditor cares to follow it. There is nothing compulsory or obligatory in the Bill to enforce its recommendation or conciliation. It is said that in a conciliation Bill no obligatory provision can be introduced. But compare this with what is done in certain other provinces. The hon. Member from Coimbatore framed his Bill exactly on the lines of the Central Provinces Act. That Act contains very salutary provisions. But the Act we are going to pass is really a different thing. Again, take the provisions of the Debt Conciliation Bill in Bengal which go far to meet the points referred to by the hon. Member from Coimbatore in regard to zamindari tenants. In Bengal, the whole tract is zamindari area and therefore the Bill is made applicable to zamindari tenants mainly. The exemption of zamindari tenants in our Bill is a very great mistake. I know the hon. Mover has endeavoured his best to bring them in, but his effort has been of no avail. Then, what is the effect of this Bill? When an important section of debtors is exempted and the Bill is only confined to the smallest limits possible, what is the use?

"Then, there is another defect in the Bill which will have to be considered at least at a later stage, namely, exemption of mortgage debts. It is very easy for a creditor to obtain a mortgage instead of getting a pro-note. Is this Bill going to give any relief to mortgage debts? No. Therefore, I say that it is not possible to achieve anything by this Bill, whose provisions are all optional, and it will give no benefit to the ryot population in general. But I congratulate the hon. Mover of this Bill that he has introduced it as a first instalment of legislation in this matter, as an introductory piece of legislation. Later on, it can be improved and developed. As occasion arises and if experience shows that the previous provisions are ineffectual, more drastic and obligatory measures should, I think, be introduced. In that way, we are grateful to the hon. Member from Coimbatore for having introduced this Bill as the first instalment of legislation for conciliation of debts."

* The Hon the RAJA OF BOBBILI:—"I did not intend to intervene at this the final stage of the passing of the Bill into law. But in my absence, I am told, my hon. Friend, Mr. Ramalingam Chettiyar, charged me with bad faith with reference to his Bill. Of course, as I

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have not heard him, I shall be glad to be corrected if in the remarks I make there is any mistake. He appears to have said that we supported the Bill at the conference at Tiruttani and subsequently I, on behalf of my party, created difficulties for him in its later stages."

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"I said, that when an amendment was introduced taking away 'rent' from the definition of 'debt,' the result would be that the ryot would be denied the benefit of the Bill."

The Hon. the RAJA OF BOBBILI:—"In my opinion, that is putting a very wrong interpretation on the effect of that amendment. I may state for the information of this House that when my hon. Friend wanted to move the first reading of the Bill and wanted the support of the party, he gave an undertaking that land revenue and rent would be excluded from the scope of the Bill and he was prepared to even agree to modifications of the provisions in that direction, if found necessary. I may state that the whole object of this Bill is to give relief in the case of debts created by borrowing, and I do not think by any stretch of imagination it could be said that the idea of debt conciliation was to extend the principle to rents also. You cannot say, Sir, that if the ryots do not pay any rents, the landholders should not recover them. That is not at all the purpose of the Bill as I understood it, and I thought it better I made the position clear."

* The Hon. Sir K. V. REDDI NAYUDU:—"Mr. President, Sir, speaking on behalf of the Government, I think I must say that I am pleased very much that we are at the third reading and the Council is soon going to pass this Bill. Unfortunately, speeches on this have taken a personal turn which perhaps could have been avoided on both sides. I am only, however, concerned with the remarks that have been passed against Government, that they were not as helpful as they should have been—a statement for which there is absolutely no foundation. I expected, Sir, that the hon. Member, who moved and introduced this Bill, would have made a more graceful acknowledgment of the help, of the willing help, which the Government were prepared to give to him.

"As the hon. Member has referred to the delays in the earlier stages of this Bill, I have to explain how they arose. The Bill has been acknowledged by the Mover himself as a reproduction, word for word, of the Central Provinces Bill. And the question naturally arose in the mind of Government whether the conditions in our province are such that we could adopt the provisions of that Bill wholesale. I can assure the House that from the beginning to this day, and I hope it will be so hereafter too, Government have endeavoured their best to see that some Bill of this kind is introduced to give relief to the agriculturists as far as it is possible to do; and the earlier delay is due to the circumstance that Government wanted to have some hold, some

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evidence before them, something on which they can come to this House and ask it to help in the passing of the Bill. And that is why a special officer was appointed. I am thankful to the mover of the Bill for the acknowledgment he has made of the services rendered to Government and to the people of this province, by this special officer. As soon as the special officer's report was received, my hon. Friend acknowledged that the Government were perfectly willing to help him in the course of the passage of this Bill.

"My hon. Friend, Sir, referred to the condition of the ryots. I may assure the House that this Government are as solicitous as any Member of the House to attend to the welfare of the people of this province. They know as much as anybody else, perhaps more than others, what the exact condition of the ryot is at present due to various causes, due to indebtedness, due to depression, due to their own social customs of spending lots of money for various causes and so on. It is not necessary for us to be told what the condition of the agriculturists of this province is. It is in pursuance of that knowledge and it is with a view to help them that this Government have met the hon. Member who brought in this Bill half-way, that they passed the Agriculturists' Loans Act even before this Bill was passed, which can be said to afford real relief to the ryots enabling them to find the sinews of war, if I may use the expression. Government came forward, not because my hon. Friend introduced this Bill or because there is a demand for it. Government knew it, and it must be said to the credit of my hon. Colleagues, the Hon. Sir Charles Souter and the Hon. Mr. Bracken, that they of their own accord, no doubt with the assistance of his friends in the Ministry, suggested the amendment to the Act and came forward to find the money necessary for the purpose. After that, Sir, it does not rest with anybody to say that the Government have been lukewarm in their support or caused delay in the passing of the Bill. To say so is certainly not correct.

"I do not propose, Mr. President, to make any observations as regards the question of rent being excluded from the debts covered by this Act. That question arose in the course of the debates in this House and the answer has been given. The Government could not see how rent can be called a debt which we always understand to mean that which is borrowed and which the creditor wants to get back. Rent is something which is due to the zamindar for the occupation of the land and for having enjoyed the fruits thereof. It is unnecessary to refer to that any more than to the attitude of the zamindars. The zamindars can defend themselves; the Hon. the Chief Minister has replied and I do not propose in the least to refer to that matter.

"The question of mortgages also has been referred to by my hon. Friend, Sir Patro. It would be noticed that mortgages were excluded even in that Bill which was the original of this Bill—I mean the Central Provinces Act; and we found difficulty in including mortgages because it would be a negation of what has been promised by the

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Transfer of Property Act, not merely by any statement made by Government but by a solemn statute passed by the legislature, which has given a right to the mortgagees and told them in effect: 'You can lend your money on mortgage and Government will protect you; all that is required is you must register your bonds, then your money is safe so long as the value of the property mortgaged is safe.' Now, after these mortgages have been brought into existence, to say that we can take away those rights given by statute will be considered not only illogical but even immoral. That is the reason why mortgages have been excluded from this Act.

"Sir, having said all that, I must say one word about the Select Committee and Mr. Ramalingam Chettiyar. The credit of introducing this Bill certainly belongs to him; whether at later stages it has been altered or not or whether it has been so altered as to be beyond recognition, are matters of no consequence. That he has introduced the Bill is there. I must also thank the Members of the Select Committee for having gone into it so deeply, for having discussed every point that has arisen in the course of the debates, for having given their best attention to the Bill and put it in the form in which finally it appears to-day. For all practical purposes there might have been some changes made by this House. To this House really belongs the credit of having got this Bill in its present form—to this House which has been so very anxious to see that the Bill is passed, though of course opinions may differ as to the exact value of the different provisions in the Bill. Whatever it may be, something has been done and the House has to be congratulated on the work it has done."

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Sir, the Hon. the Chief Minister said that I gave him a promise to exclude rent from this Bill. I never gave any such promise. All that I told them, when he and the Kumara Raja of Venkatagiri asked me about the position of rent in the Bill, was that rent is a debt for which there is a charge and will come under section 15 as originally provided, and that rent will be in the same position as mortgage, and if the landholder is not willing to have his debt conciliated then he would not be barred from bringing a suit. As they wanted that that matter should be made clear, it was made clear in the Select Committee by the introduction of a definition of secured debt. 'Secured debt' was to include not only debt secured by mortgage but also any debt for which there was a charge under a statute or under a deed or under an agreement. That was what I agreed to introduce and it was introduced. I never agreed that rent should be taken away from the ambit of the Bill altogether. I never gave any such promise."

* The Hon. the PRESIDENT:—"The question is that the Bill be passed into law."

The motion was put and carried and the Bill was passed into law.

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III.—A BILL FURTHER TO AMEND THE MADRAS ESTATES LAND ACT, 1908, FOR CERTAIN PURPOSES (BILL No. 2 OF 1935).

Sriman M. G. PATNAIK Mahasayo:—"Sir, I beg to present the 12-30 report^a of the Select Committee on the Bill further to amend the Madras^{p.m.} Estates Land Act, 1908, for certain purposes (Bill No. 2 of 1935) and move that the Bill as amended by the Select Committee be taken into consideration."

Mr. K. A. NACHIYAPPA GOUNDER:—"I second the motion."

The motion was put and carried and the Bill was taken into consideration.

Clause 1.

Mr. P. PEDDI RAJU:—"Sir, I beg to move:—

'Add the following paragraph at the end of clause 1:—

"It shall come into force on the 1st day of March 1936."

My object in moving this amendment is this: We have been passing through a period of economic depression for some years now. My hon. Friend brought in this Bill long ago. It was originally thought that, at the time of the amendment of the Act in 1933, such an amendment as the Bill now provides for, would be carried out in the amending Bill itself. But it has been delayed and now only we have reached the stage of passing the Bill into law. I want to see that the provisions of the Act come into force even in the current year. According to the provisions of the current Bill, the ryots will be entitled to ask for remission of rent; soon after the end of March 1936, they can give notice to the zamindar and apply to the Collector a little later. If we make the Bill take effect retrospectively, it will enable the tenants in the presidency to apply its provisions even now. I am afraid, Sir, that it may take a little time to get the assent of the Viceroy before this Bill becomes an Act and therefore I am suggesting that the tenants may be enabled to give notice. My point is this: anyhow the Bill is shortly coming into force. Why not in the circumstances enable the tenants to get the benefit of it even in the current year?"

Mr. K. KOTI REDDI:—"I second it."

* The RAJA OF KHALLIKOTE:—"Mr. President, I wish to oppose this motion. The zamindar's financial year is always the fasli year, i.e., from July to June. His budget and his administration of the estate will certainly be upset if he has to give remissions in the middle of his official or financial year. It will certainly be a great hardship to the zamindar to give effect to the provisions of the Bill as from 1st March this year. Further, it is not usual to give retrospective effect to legislation of this kind. Then there is a technical difficulty. I do not think it is fair to force the hands of His Excellency the Governor and His Excellency the Governor-General to hurriedly give their assent to the Bill at once, giving up all their other work. With these few words, I oppose the motion."

^a Published in the Fort St. George Gazette, dated 21st January 1936.

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* The Hon. Sir CHARLES SOUTER:—“ Mr. President, I think myself that this proposed amendment is not well-advised. I think that it would be much better if an amendment is moved in more general terms such as that this Act shall come into force from a date to be notified by the Local Government and so on. I think that the Raja of Khallikote's objection to it is based on good grounds. It seems to be anomalous that they should bring in a motion of this kind in the middle of a fasli year. If the hon. Mover had proposed an amendment to the general effect that this Act shall take effect from a date to be notified by the Local Government, I should have been prepared to accept it; but Sir, I must oppose this amendment that it shall take effect from 1st March 1936.”

Sriman M. G. PATNAIK Mahasayo:—“ Sir, I am really sorry to say that the objection of the Hon. the Revenue Member and of the Raja of Khallikote is not well-founded. They have really forgotten the later provisions of this Bill in putting forward this objection. Of course so far as this Bill is concerned, the provision is that the average of the twelve months should be taken from the 1st April of the preceding fasli to the 31st March of the succeeding fasli. Therefore the usual revenue year cannot apply here. You have on the other hand to take into consideration the rent prevailing between 1st April and 31st March. Notice has to be given to the landholders of the intention of the ryot to claim remission. In these circumstances, I am really surprised that they should have based their objection on the ground that the fasli year commences later. I think there is a good deal of reason for accepting the amendment to fix 1st March 1936 as the date when the Act should come into force. If the assent is received at any time in April, it would be difficult for the ryots to give notice. There are also other reasons why this amendment should be accepted, though of course my hon. Friend the Mover did not want to refer to them. But, so far as I am concerned, I may state that one of those reasons is that, as everybody knows, a portion of Ganjam is going into the Orissa province shortly and the estate of the Raja of Khallikote will be the first to so go over to that new province. Therefore, naturally, if the Bill does not receive assent before 1st April, it may not apply to this estate in spite of the fact that if any ryots in any estate require any relief, it is the ryots in the estates of Khallikote and Attagada. I think they are the hardest hit by the settlement recently made under the orders of Government and under the supervision of the Board of Revenue. Sir, this Bill was introduced so long ago as January 1931 and was sought to be referred to a select committee in August. You all know that there was some trouble about it and that ultimately it was referred to a select committee and has reached this stage. Therefore, unless some such provision is made, there is a likelihood of this Bill not applying to certain parts of zamindari areas to which they ought to apply. I therefore heartily support this amendment.”

Rao Bahadur Sir A. P. PATRO:—“ Mr. President, Sir, I am constrained to oppose the amendment. The hon. Member from Ganjam

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is a very enthusiastic champion of the ryots' claims. I quite appreciate it. But I do not think this amendment can command my support because, as he said, it affects an individual. I therefore oppose it. The hon. Member, Mr. Mandhadhatha Patnaick said that it was his intention that this Bill should affect the Khallikote estate because of the higher rate of rent prevailing there according to him or according as he is instructed to say. Is that the main object of the Bill?"

Sriman M. G. PATNAIK Mahasayo:—"A word of personal explanation, Sir. I never said that the Bill was brought forward only to give relief to the ryots of Khallikote and Attagada. I only said that those ryots are the hardest hit. I know it from my personal experience. I do not require anybody's instruction for that. I appeared before the settlement officer in several settlement proceedings. My hon. Friend, Sir Patro, though he represents Ganjam, has been out of Ganjam for a long time and knows very little of Ganjam now."

* The Hon. the PRESIDENT:—"That does not form part of a personal explanation." (Laughter.)

Rao Bahadur Sir A. P. PATRO:—"I appreciate the enthusiasm of Mr. Mandhadhatha, but I cannot appreciate his wisdom in bringing forward this Bill with the object that he stated.

"Now, Sir, we have made it lawful that the rent payable after remission shall bear to the rent lawfully payable for the time being, the same proportion as the average prices during the twelve months ending with the 31st March of the revenue year, in respect of which such remission of rent is claimed, bear to the average prices, on the basis of which the rent had been previously fixed. We have also made provision that in case of fall in prices, failure of crops, etc., the ryot is entitled to make an application to the Collector. Between the date of bringing in that application to the Collector and the date on which the Act comes into force there is no connexion at all. [Mr Patnaick: Read sub-clause (3).] My hon. Friend is too much obsessed with this Bill that he oftentimes gets into a sort of frenzy. I can only forgive him his frenzy."

* The Hon. the PRESIDENT:—"But I would advise the hon. Member not to work him up to that frenzy." (Laughter.)

Rao Bahadur Sir A. P. PATRO:—"Sir, I accept your kind advice. I do not want to give room to let him so far forget himself. But at the same time, I must say that no application under sub-section (1) shall be maintainable unless sixty days' notice in writing has previously been sent to the landholder by registered post on or before the 30th day of April of the revenue year. Sir, whatever may be time when the Bill comes into operation, the ryot has got the right to make an application within those dates. Those dates are in the Act itself and they cannot be altered. But to say that because the Khallikote Estate is going to be tacked on to Orissa, therefore the amended Act must come into force immediately before Khallikote goes over to Orissa, is not at

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all understandable. Khallikote is going away to Orissa, fortunately or unfortunately, and the hon. Member Mr. Patnaik knows the reasons better than anybody else. Whatever it is, if Khallikote goes away to Orissa and if this Bill is not made applicable to Khallikote before it goes to Orissa, who is to be blamed for that? Why was the Bill delayed from 1931? What reason could the mover of the Bill advance to convince this House for the delay in the disposal of this Bill, a private Bill? It is not a Government measure, but it is a private Bill brought forward with the sole desire of giving relief to the ryots of this province as a whole. What was it that stood in the way of his bringing this very desirable remedy earlier to the ryot population of this province? Who is responsible for it? It is criminal negligence on the part of the individual who is responsible for this Bill that he did not bring it forward much earlier. I pause for an explanation."

Sriman M. G. PATNAIK Mahasayo:—"I will give you an explanation." (Loud laughter.) (Cries of 'order, order'.)

Mr. T. S. RAMASWAMI AYYAR:—"Is the House interested in these personal matters? There are live questions awaiting the decision of this Council. I do not know how we are justified in proceeding like this."

* The Hon. the PRESIDENT:—"It is unfortunately the personal matter that has been brought up by Mr. Patnaik that is being replied to."

Rao Bahadur Sir A. P. PATRO:—"The hon. Member for the University is an intellectual person . . ."

* The Hon. the PRESIDENT:—"I hope the hon. Member will pursue his arguments, instead of pursuing members."

Rao Bahadur Sir A. P. PATRO:—"This Bill was before the Select Committee only a few weeks before and at that time also the fact of the bifurcation of Ganjam was known to the hon. Member who sponsored this Bill. The reason that has been adduced by my hon. Friend for the introduction of this amendment at this stage did not strike him at the time it was discussed in the Select Committee. No reason has been assigned in the report of the Select Committee for an amendment of this nature. No reference whatever was made in regard to the particular difficulty which is now imagined or is now argued to exist. That is my first argument. My second argument is that the privileges of the ryot are retained in clauses (1) and (2), viz., that he has got the right of application to the Collector for the purpose of reduction of revenue when the particular circumstances justifying reduction come into existence, viz., a phenomenal fall in prices. These two rights are there and nothing has been taken away. I do not see any reason why the Bill should be brought into operation so soon. For the purpose of the Governor giving his assent to the Bill to be made applicable to the presidency as a whole, he must have the privilege of consultation and consideration as regards the effect of this Bill on all the estates existing in the whole province. That is sought to be taken away now and

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he is being hustled. Secondly the Governor-General is to be asked to give his assent to the Bill and it appears as if you are asking him thus: 'I have introduced this Bill and therefore, you must give your assent to the same.' These are the two large orders which this amendment proposes and to which as an ordinary Member I am not able to subscribe. We have agreed on the principle of the Bill that protection should be given to the ryot whenever there is a fall in prices below a certain level. I strongly support the principle of the Bill but to introduce other provisions in the Bill which will affect the rights or interests of other people and to deprive them of their existing rights seems to be going too far. I am therefore not in favour of this amendment."

Mr. T. S. RAMASWAMI AYYAR:—"I move that the question be now put."

* The Hon. the PRESIDENT:—"Let the hon. Member, Mr. Peddi-
raju, answer."

Mr. P. PEDDI RAJU:—"Unfortunately the personal quarrel between the hon. Members representing Ganjam has interfered with the discretion of other hon. Members in coming to a decision on this matter. I do not care whether this Bill, if brought into force as I have suggested, applies to the ryots of the Khallikote and Attagada estates or whether it applies only to the rest of the presidency. As I said, on account of the economic depression owing to which the ryots are suffering, if the Bill is brought into operation on the first day of March 1936, it may enable them to apply to the Collector for a reduction in rent. On the other hand, the Hon. the Revenue Member suggests that Government should have power to put in a date as they like. That is much more injurious. They may not put the Act into force at all. They may put in a notification, if they want to do so, whenever they like. Therefore I would ask the House whether my amendment is not beneficial to the tenants. We ought not to be guided by the arguments of our hon. Friends from Ganjam, because this House is interested more in the rest of the presidency than a portion of it which is likely to go to Orissa."

The amendment was put and declared lost.

A poll was demanded which was taken and the House divided as follows:—

Ayes.

- | | |
|---------------------------------------|--------------------------------------|
| 1 Diwan Bahadur C. Natesa Mudaliyar. | 9 Mr. W. P. A. Soundara Pandian. |
| 2 A. Appadurai Pillai. | 10 " P. K. Ramachandra Padayachi. |
| 3 Mr. K. C. M. Venkatachala Reddiyar. | 11 Rao Bahadur D. Krishnamurti. |
| 4 Mr. G. Ranganatha Mudaliyar. | 12 Sriman M. G. Patnaik Mahasayo. |
| 5 Rao Sahib N. Siva Raj. | 13 The Kumararaja of Venkatagiri. |
| 6 The Maharaja of Parlakimedi. | 14 The Zamindar of Mirzapuram. |
| 7 Mr. P. C. Moses. | 15 The Zamindar of Bodinayakkanur. |
| 8 " V. G. Vasudeva Pillai. | 16 Mr. G. Sriramulu. |
| | 17 C. Indrayya. |
| | 18 Rao Sahib C. Jayaram Nayudu. |
| | 19 Mr. S. A. A. Annamalai Chettiyar. |

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20 Rao Sahib D. V. Narasimhaswami.	37 Mr. U. C. Subrahmanya Bhatt.
21 „ „ Pandit Ganala Ramamurti.	38 Mrs. Rukmani Lakshminpathi.
22 Mr. A. Harischandrudu Nayudu.	39 Mr. P. Ratnavelu Thevar.
23 „ „ K. Kesavaramamurti Nayudu.	40 „ „ C. Obi Reddi.
24 „ „ Yakub Hasan.	41 Raj Kumar M. A. Muthiah Chettiar of Chettinad.
25 „ „ Abdul Hameed Khan.	42 Mr. M. S. Sreshta.
26 „ „ T. S. Ramaswami Ayyar.	43 Rao Bahadur G. Jagannadha Raju.
27 „ „ A. B. Shetty.	44 Rao Sahib V. I. Muniswami Pillai.
28 „ „ Ahmed Meeran.	45 Mr. A. Ramakrishna Reddi.
29 „ „ P. Peddi Raju.	46 „ „ H. M. Jagannatham.
30 „ „ K. A. Nachiyappa Gounder.	47 „ „ T. Narasa Reddi.
31 „ „ C. R. Parthasarathi Ayyangar.	48 Diwan Bahadur M. Gopalaswami Mudaliyar.
32 „ „ G. R. Premayya.	49 Rao Bahadur Subadar-Major S. A. Nanjappa Bahadur.
33 „ „ K. Kobi Reddi.	50 Diwan Bahadur S. Ellappa Chettiar.
34 „ „ G. Rameswara Rao.	
35 „ „ C. Basu Dev.	
36 Rao Bahadur R. K. Venugopal Nayudu.	

Noes.

1 The Hon. Sir K. V. Reddi Nayudu, Kt.	13 Mr. R. Madanagopal Nayudu.
2 „ „ Rao Bahadur A. T. Pan-nirselyam.	14 „ „ T. B. Russell.
3 The Hon. Sir Charles Souter.	15 „ „ T. Sundara Rao Nayudu.
4 „ „ Mr. G. T. H. Bracken.	16 Khan Sahib Syed Taj-ud-din Sahib Bahadur.
5 „ „ Diwan Bahadur S. Kumaraswami Reddiyar.	17 Diwan Bahadur R. Srinivasan.
6 The Hon. Mr. P. T. Rajan.	18 Mr. W. K. M. Langley.
7 „ „ The Raja of Bobbili.	19 „ „ G. F. F. Foulkes.
8 Mrs. K. Alamelumangathayaramma.	20 Rao Sahib V. Dharmalingam Pillai.
9 Mr. W. Scott Brown.	21 Sir A. P. Patro.
10 „ „ H. R. Uzielli.	22 The Raja of Khallikote.
11 „ „ C. E. Jones.	23 Rao Bahadur P. C. Muthu Chettiar.
12 „ „ G. T. Boag.	24 Mr. K. P. Raman Menon.
	25 „ „ P. M. Thangal.

Ayes. 50. Noes. 25.

The amendment was carried.

Clause 1 as amended was put and carried.

Clause 2.

The RAJA OF KHALLIKOTE:—" Mr. President, Sir, I beg to move the amendment given notice of by me, namely:—

'that in clause 2, new section 39-A (1), in line 2, after the words "notwithstanding anything contained in this Act", the words "and without prejudice to the rights or liabilities of the landholders or ryots under this Act" be added.'

Where rent is commuted under section 40 of the Act, it cannot be altered for 20 years thereafter as per section 41, except on grounds mentioned in clause 2 and clause 3 of section 30 or on the ground of alteration in the area of the holding under clause 1 (a) and (b) of section 38. Similarly where rent is settled under Chapter XI it cannot as per section 177 be altered for 20 years thereafter except on the same grounds on which a commuted rent could be altered. The effect

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of these two sections, namely, sections 41 and 177, is that rents commuted or settled cannot be altered for 20 years on the ground that there has been subsequently a rise or fall in prices, but that the said rents can be altered on other grounds, namely:—

- (a) that the productive powers of the lands have increased on account of improvements effected at the expense of the landholder or decreased owing to some natural or extraordinary causes;
- (b) that irrigation works have been improved at the expense of the landholder or have deteriorated; or
- (c) that the area of the holding has been altered.

“This Bill is intended to meet the hardship to the ryot on account of the prohibition contained in sections 41 and 177, namely, that he cannot ask for reduction of rent on account of fall in prices. 1 p.m.

“But there is no reason to do away either with the rights or liabilities of either the landholder or the ryot under the other provisions of sections 41 and 177. That is, there should not be, owing to this Bill, any changes either in the rights or liabilities of either party, if for example an irrigation work is improved at the expense of the landholder or the fertility of the soil is improved at the expense of the landholder. Take a practical illustration. Suppose a holding normally yields ten cart-loads of paddy and the paddy sells at Rs. 20 a cart-load. The value of the yield on that holding would be Rs. 200. In the hope that normal conditions would continue the landholder effects improvements either in the irrigation works or in the fertility of the soil at great expense to himself. After such improvements had been effected, the holding yields 20 cart-loads of paddy instead of ten, but in a particular year the price of paddy falls from Rs. 20 to Rs. 15. Then even if the value of the yield has gone up in that year from Rs. 200 to Rs. 300, the ryot would be entitled to ask for reduction of rent on the ground of a fall in prices, though he gets very much more than what he did before the improvements were effected. I submit that this state of things would be a real injustice and hardship to the landholder. He puts himself to enormous expense to improve the yielding capacity of land but has to suffer at the same time owing to extraordinary circumstances which bring about a temporary fall in prices. This state of things would not only work an injustice on the landholder but would scare him away from effecting any improvements. It should not be the aim of the Bill to prevent the landholder from taking interest in the improvement of the land and its yielding capacity. I, therefore, submit that the rights and liabilities of both the landholder and the ryot given to them under the existing permanent provisions of the Act be preserved.

“Besides, there is one other peculiarity. If you do not have the amendment suggested by me, even the main provisions of the Civil Procedure Code will not apply to this new Bill. A party should not be deprived of his general right of suit to obtain redress, where he has

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suffered a grievance. As far as I know this is not the case in any other tenancy law of India and it is not fair that this new section 39-A (1) alone should be exempted from all other general laws of India. The Select Committee's report admits the fact that the provisions of this Bill would certainly affect the rights and liabilities of both parties. I do not think it is fair that such general rights and liabilities provided for in the ordinary laws of the country should be made inapplicable to this new section alone.

"Sections 30 and 38 make provision for enhancement and reduction of rent under different causes, viz., rents may be enhanced owing to increased productive capacity of land, owing to special irrigation sources that have been constructed and on the ground that the land has improved through fluvial action, etc. Similarly section 38 provides for reduction of rent if the land has deteriorated or if the landholder fails to supply water, etc. The Bill as drafted will deprive both parties of the benefits of relief provided for under the permanent provisions of sections 30 and 38. After all, if relief is sought to be given for any particular year entirely due to fall in prices there is no reason why both parties should not resort to other permanent provisions of the Act, where there may be enhancement or reduction of rent due to causes other than prices only. This amendment I am moving existed in the original draft of the Hon. the Revenue Member and there is no reason why it should be deleted now. With these words, I move my amendment."

Sir A. P. PATRO:—"I second it."

Sriman M. G. PATNAIK Mahasayo:—"Sir, I do not know with what object this amendment has been moved. I submit that if this amendment is accepted by this House, there will be no use for the Bill at all hereafter. If all the rights and liabilities of the landholder and the ryot which exist under the present Act are to be preserved, I do not see what use there will be for this Bill. His proposal amounts to asking that this Bill be shelved, though he does not say so in so many words."

"Sir, this amendment that has just now been moved was very carefully examined in the Select Committee both by the Hon. the Revenue Member and the Advocate-General. Both of them were of opinion that this amendment was unnecessary and that it ought not to be there. It is stated here: 'Notwithstanding anything contained in this Act . . . That is to say whatever may be the provisions of the Madras Estates Land Act, the present provisions are going to be introduced to make some slight changes in them. The scheme of this Bill is to grant remissions for one year only. Therefore the permanent rights and liabilities of the landholder or the ryot will never be affected by these provisions. I hope that the hon. the Mover of the amendment will withdraw his amendment.'"

Mr. K. P. RAMAN MENON:—"Sir, I am at a loss to understand the real situation and that is why I rise to intervene in this debate. As far

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as I have been able to gather from reading the provisions of the Estates Land Act, I understand that there are provisions there which enable the landholder to increase the rent on account of the money which he has invested in improving irrigation works or in improving the fertility of the soil. Whether as a matter of fact by virtue of the provisions which we are introducing in this Bill by which the ryot can claim reduction of rent on account of fall in prices, the right of the landholder to enhance his rent under certain circumstances is taken away, is a point on which I want to have a clear answer. As far as I have been able to understand, the Raja of Khallikote's point is this. He says there are sections which provide that if a landholder lays out a certain amount of money on the improvement of his land, he is entitled to get enhanced rent. He has also given a concrete example. For instance suppose one holding gives ten cartloads of paddy. Suppose also the price of a cartload is Rs. 20. Then the value of the yield from the land is Rs. 200. Then what the Raja of Khallikote says is this. Suppose the landholder invests Rs. 1,000 or Rs. 2,000 on the land and increases the yield of the land, either by constructing an irrigation work or by improving the fertility of the soil. Suppose the land yields 20 cartloads of paddy where it originally yielded only ten cartloads. If the price remained the same, Rs. 20, the value of the total yield would be Rs. 400. On the other hand, suppose instead of the price remaining the same, it went down to Rs. 15. Then what the Raja of Khallikote says is that this section authorizes the tenant to apply for a reduction of rent on the ground of fall in prices although the total yield from the land has risen from Rs. 200 to Rs. 300. Is that logical? That is the question that has been propounded and unless a definite answer is forthcoming to that question, I am afraid, Sir, hon. Members like myself who have no experience of the working of the Estates Land Act in their districts will not be in a position to give a vote on this question. I want to know definitely whether as a matter of fact when the rent has been commuted into money, the ryot will be able to apply for reduction of rent on the ground of fall in prices although, as I have pointed out, the money value of the total yield of the land has gone up on account of the improvements effected by the landholder. If that is so, it seems to me to be an untenable position to take up. We must make provision for cases where the landlord has made improvements in the land and made it fit to bear enhanced rent. (Interruption.) Yes, I am talking of commuted and settled rents, rents settled according to the provisions of this Act. We require some explanation on the point raised."

Mr. P. PEDDI RAJU:—“Sir, this amendment was considered by the Select Committee and the hon. the Advocate-General also was consulted on the point and asked to give his considered opinion about it. He said at first that it was unnecessary and finally gave it as his considered opinion that the clause was bad in drafting and that it embodied in the Bill it would create complications and that it ought not to be there. My submission to this Council is when the learned

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Advocate-General has said that the amendment would create difficulties in the working of the Act and that it ought not to be there, we ought not to accept it.

"As regards the doubts raised by my hon. Friend, Mr. Raman Menon, as to whether the Bill will affect certain rights of the landholder, I have to say, Sir, that so far as we can see, it would not affect them in any way. On the other hand, the introduction of this clause will not help anybody, but it may create difficulties and complications. So far as the remaining clauses are concerned, when a landholder effects improvements to irrigation works or improves the fertility of the soil, he is not deprived of the right to enhance his rent. The only thing that the Bill says is: if the rent is commuted it takes place on the basis of the prices existing at the time of the commutation; if there is a settlement of rent under Chapter XI, the settlement is made on the basis of the prices then prevailing. If under these circumstances, when money rents are fixed on the basis of the prices prevailing at the time of the commutation or settlement, it is but right that the ryot should get remission when the prices fall. The difficulties raised by the Raja of Khallikote will in no way help him or anybody else. On the other hand, as the Advocate-General has said—I am sorry he is not here to-day to explain the legal position clearly; he has considered the matter carefully; he has taken time over it—the provision ought not to be there. I oppose the amendment."

* The Hon. Sir CHARLES SOUTER:—"Sir, I also must oppose the amendment. I think it has been moved under a misapprehension. Let me now state the situation as it really is. Under the Act, in certain special cases, the zamindar can get increase of rent for certain moneys specially spent by him on the land. Under other provisions of the Act, when the zamindar neglects the land the ryot can get a reduction of rent. Those rights, either of the landholder or of the ryot, are in no way interfered with by this present Bill.

1-15 p.m. "Let me give a concrete example. Suppose now that under Section 30—or Chapter XI—varam rent has been converted into money rent, say Rs. 10 an acre. Subsequent to the commutation, the landholder effects improvements to his land or to his tanks or in other ways and consequent on these improvements he can, under the Act as it stands at present, claim a rent of Rs. 15. Rupees 15 would, under the Act, be fixed as legitimate rent on that piece of land. Suppose now that after that rent has been fixed, prices fall down abnormally in which condition this present Bill is to apply, and the ryot would be entitled to a reduction of Rs. 2. The ryot will then have to pay Rs. 15 minus Rs. 2 and not Rs. 10 minus Rs. 2. In other words the zamindar's right to that Rs. 15 still subsists. If this Bill is passed, the consequence will be the reduction he will have to allow to the ryot owing to fall in prices will be from Rs. 15 and not from Rs. 10. I think to introduce this amendment in these general terms, as Mr. Peddi Raju stated, will lead to legal quibbles. This Bill proposes that the rent should be collected at a certain rate if abnormal condition

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exists, that is to say, if there is a large fall in prices. That condition will apply to all rents fixed, whether in consequence of improvements of the zamindar or in consequence of the neglect of the zamindar, both in the case of increased rent or in the case of reduced rent. The object of this Bill is that the ryot should get the benefit of a reduced rent if there is fall in prices. Therefore I think this amendment is unnecessary."

* The RAJA OF KALLIKOTE:—"In view of the most convincing answer of the Hon. the Revenue Member, I beg to withdraw my amendment."

The amendment was by leave withdrawn.

Mr. P. PEDDI RAJU:—"Sir, I beg to move the amendment standing in my name:—

'In clause 2—Section 39-A (1) after the words "where the rent of any land has been," insert the following:—

"enhanced under Section 30 or".'

Hon. Members of this House will see from the report of the Select Committee that such a provision was sought to be introduced in the Select Committee. It was negatived by a majority. I wish to deal with the effect of my amendment. Under the present amending Bill the ryot may apply to the Collector for remission. There are several Members of this House who are not conversant with the Estates Land Act. Some Members may be under the impression that this is a question of only remission of rent for a particular field dependant upon the fall in prices. So, the ryots and the landholder are not affected at all by the introduction of this Bill. All that you are asking the zamindars by this Bill is, just as the Government are giving us remission on account of economic depression, on account of fall in prices, they should also give remission to their tenants. No doubt some zamindars are said to be actually giving. This Bill will apply only in cases where the zamindars do not care for the interest of the tenants. This Bill will apply in cases where the zamindar owns a single village and he cannot afford to allow remission to his tenants. This Bill will apply to zamindars who are autocratic and do not care for the tenants. It will not affect the prudent, economical and well-managed estate at all. When the varam tenure was commuted, the average prices were taken into consideration. Hon. Members of this House know that prices were rising from the year 1908 onwards. This commutation took place when the rise in prices was very high, that is, during the last ten years. These rates were fixed when the prices were high. Some estates have not been surveyed. Settlement operations went on in some estates. These settlement operations went on during the last decade. So, they took into consideration the average prices during the last 20 years and fixed the rent. We are providing for these two cases. Therefore it is quite necessary that my amendment should be accepted. Hon. Members of this House ought to know very well that before the

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passing of the Estates Land Act there was no provision for enhancement of rent by the zamindar. The Act of 1908 gave permission to the zamindar to apply to the Collector to enhance rent. The rent might have been fixed taking into consideration the high level of prices in some years past. From the year 1919 to 1930 the prices were high. The zamindars took advantage of this rise in prices and applied to the Divisional Officers to enhance the rent in their estates and these enhancements were made. Because they took the average of the years 1919 to 1930, the average price came to Rs. 7 or Rs. 8 per bag. Now the price may be Rs. 3 or Rs. 4. Such cases are not covered by the Bill as revised by the Select Committee. My submission is that such cases also—cases under Section 30 also—should be included. Otherwise, as has been stated already, it will look as if we are only legislating for a part of the Province. I take it we are legislating for the benefit of the tenants throughout the whole presidency. Rents were fixed under section 30 when the price was Rs. 10. If the price is low now, the rent also should be reduced proportionately. The rent should be reduced to Rs. 5. The tenants are entitled to some relief. To meet any objection from the zamindars I propose to move another amendment to sub-section (2) of section 39-A to the effect that the reduced rent should not be less than the rent payable by the ryot before the enhancement made under section 30. If you read the reports on the working of the Madras Estates Land Act, you will find that there have been a large number of cases where the rent was enhanced. Several hon. Members might have read this fact from the newspapers also. The Maharaja of Pithapuram has filed thousands of petitions for enhancement of rent and the *Mail* and the *Hindu* published the judgment of the Divisional Officer to the effect that according to law existing, you will have to increase the rent in spite of the falling prices. There is no scope for reducing the rent, because the Divisional Officer will have to take into account the average price for the last ten years. During the last ten years prices were high. Therefore the ryot has to apply for remission according to the provision of this Bill. There are several thousands of such cases. As I read through the report, I found that there are a number of cases in the Vizianagram Estate. I have quoted the instances of two big estates. If you care for the interest of the tenants generally in the whole presidency, you must have a reference to section 30 in this clause, and get some sort of concession in the shape of remission as other tenants would get under Chapter XI or under section 40. With these observations I commend this amendment to the vote of the House. In doing so, I would make an appeal to the Hon. the Revenue Member; of course this is not a matter between the zamindar and the tenant; as I say, I am not a zamindar or a tenant; personally I am not affected. But all that I ask the Hon. the Revenue Member is to consider this question from the aspect of the interests of the people at large and to see that the interests of the general population do not suffer. After all, this remission is to be given only for a single year. If the zamindar is kind enough, prudent enough, he would not allow the thing to go to the Collector; he will

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grant the remission himself; he would enable the tenant to get some relief. I appeal to the Hon. the Revenue Member to see that the interest of the general population is safeguarded."

The RAJA OF KHALLIKOTE:—"As I have given notice of a similar amendment, I have great pleasure in seconding this amendment. With your permission, I shall continue my speech after lunch."

The Council then adjourned for lunch.

(After Lunch—2-30 p.m.)

IV.—STATEMENT *RE* LAND REVENUE REMISSIONS.

* The Hon. the PRESIDENT:—"The Hon. the Revenue Member desires to make a statement."

The Hon. Sir CHARLES SOUTER:—"Mr. President, Sir, I have decided to interrupt the proceedings of this House on a day allotted for non-official business, because in the course of the debate, I think perhaps I should not have time to make any statement subsequently. All I have to say is that the Government have decided to grant land revenue remissions—not mere postponement of collections—to the same extent as they granted last year."

III.—A BILL FURTHER TO AMEND THE MADRAS ESTATES LAND ACT, 1908, FOR CERTAIN PURPOSES (BILL NO. 2 OF 1935)—*cont.*

* The RAJA OF KHALLIKOTE:—"The Bill is made applicable only to cases in which rent has been commuted under section 40 or settled under Chapter XI. My amendment is to enlarge the scope of relief to be given to the tenant and therefore make the bill applicable to all cases where the rents have been fixed on the basis of prices and where they cannot be altered for 20 years thereafter.

"Take for example section 40. Under section 40 (3) (a) the Collector shall have regard in commuting rent to the average value of the rent actually accrued due. The expression 'average value' can only mean value in money. And such value in money can only be ascertained by first ascertaining the rate at which paddy was selling in a particular year. It means that the prices of paddy or any other produce will be a very large factor in proceedings under section 40. Now if we take section 41 we find that the rent fixed under section 40 cannot be altered for 20 years thereafter on the ground of rise or fall in prices, because you will find that section 30, clause I is excluded under the section (section 41) as one of the grounds for alteration.

"The general effect of commutation proceedings is, therefore, that prices will largely enter into calculation in fixing the amount of rent and such amount cannot be altered for 20 years thereafter.

"Now take Chapter XI. Under section 168 under which rents are settled the Collector shall have regard as per sub-section (2) to rent or rates of rent previously existing. And under rule 18 of the rules made under the Act the Revenue Officer shall have regard to the provisions of Chapter III. Now Chapter III begins with section 24 and

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ends with section 49. It, therefore, includes sections 30 and 40. Therefore in settling rents under Chapter XI, the Collector will have to take prices into consideration. And as under section 41 the rents so settled cannot be altered for 20 years thereafter on the ground of rise or fall in prices—vide section 177.

“ Now take section 30. Under this section sub-clause 1 the landholder may apply for enhancement of rent on the ground that during the currency of the existing rent there has been a rise in average local prices. I emphasize the words ‘ local prices ’ to show that prices are the main and only consideration for getting relief under this subsection.

“ Under section 39 the ryot can apply for reduction of this enhanced rent only once. But if once he gets a reduction and subsequently there has been an abnormal fall in prices, he cannot ask for further reduction for 20 years thereafter. This is really a calamitous state of things for the ryot. The whole object of this bill is to give relief in cases of abnormal and extraordinary fall in prices. Prices are as much an important consideration in commutation and settlement proceedings as under proceedings under section 30. The rent enhanced under section 30 are nearly as unalterable for 20 years thereafter as rents commuted or settled. As a matter of fact the legislature requires the Collector to keep in view provisions under Chapter III in settling rents under Chapter XI. And section 30 is in Chapter III. It would be incongruous if you refer in this bill to section 40 and Chapter XI only and omit section 30. While you are making provision to give relief in comprehensive cases covered by Chapter XI, you are making provision for only one subsidiary case, namely, commutation proceedings under section 40. My amendment is intended to make provision for relief in all subsidiary cases. This is the only logical and honest way of framing the Bill.

“ Although the acute situation of prices has improved during the last few months, there is no denying of the fact that recent times have been such that the ryot deserves some relief, in spite of the fact that this is given invariably through the good will of the landholder who is, after all, more interested in the welfare of his ryots than anybody else. As there seems to be agreement on this point the only difficulty raised is this. In what way can this temporary relief, to meet the exigencies of the situation, be provided for successfully, so that whatever provisions are made they will give the ryot the speedy and required relief, without, at the same time, embarrassing the landholder and creating complications in the working of the existing Act. We have to also see that the measure gives the ryot concerned the real benefit which it is intended to do, and that the relief given is universal, that is, applicable to all Estates in the Presidency. I am surprised that while a greater measure of relief to the ryots was proposed the hon. Member from Ganjam, pretending to be championing the cause of the ryots, should be lukewarm about the larger relief for reasons

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best known to himself. The Bill of my hon. Friend from Ganjam may perhaps only benefit a very small section of the ryot population, confined to a very small area and cannot be called a comprehensive measure intended to give relief to the entire ryot population, wherever they deserve it. Besides, the Bill as drafted now may only give relief to a very few Estates in the Ganjam district which are going into the Orissa Province very soon and will not apply to other Estates of the Presidency where cash rents prevail.

"Sir, only a few hours ago the cat has been really let out of the bag in the honest confession my hon. Friend, Mr. Mandhatha Gorachand Patnaik made on the floor of this House that the Bill is intended for me and none else. I leave it to the good sense of the House to judge how far it is fair that the Bill should be introduced for the sake of individuals only, or whether it would be fair to shape the Bill in such a way so that it will apply to all the Estates in the Madras Presidency where cash rents prevail. As I have already stated I am not against the main principles of the Bill and as for the question whether there should be a Bill for individuals or for the entire Presidency of Madras this question I am sure hon. Members of this House will decide fairly and equitably. My hon. Friend made certain allegations that the rents in my estates alone are very high. I wish to contradict this statement. Rents in some of the other estates are much higher than mine and particularly enhancement of rents made in some other estates have even gone to the extent of 100 per cent over and above the existing rents. I am speaking from authority when I say that my average rentals are Rs. 8 to Rs. 9 per acre and the highest rental in a few villages is about Rs. 12 per acre. Since the time settlement operations under Chapter XI were taken up in my estates about ten years ago I admit there has been some increase in my rentals but this increase is only about 15 per cent and is entirely due to the fact that large extents of extra lands which were discovered as a result of the survey have been assessed the usual rents.

"Sir, if I am permitted to divulge the proceedings of the Select Committee I wish to state that when I moved this very amendment there under the instructions you gave me, Sir, last time this subject came up before this hon. House, and pressed it for a division, I was shocked to notice that my hon. Friend, the champion of the ryots' cause from Ganjam, I mean, Sir, the hon. the original Mover of Bill No. 2 of 1935, remained neutral along with some others and as for those supporters of the Bill who have been proclaiming from house tops that the principles of the Bill have the entire support of their party, I was much more shocked to observe that they voted against my amendment. I really wonder if there was any need to shed such crocodile tears!

"The main principle ought to be that where prices formed the basis of fixing rent under any provision of the Act there should be scope for reduction when there is a fall in these prices already fixed.

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The Hon. the Revenue Member and my hon. Friend from Ganjam have overlooked a provision in the Act under which prices entered into consideration for fixing the rent. This is section 30. I think that the ryots should get relief also when proceedings have been successfully taken under this section. I also feel sure that if the object of the hon. the Mover of the Bill is to see that relief should be granted universally wherever the ryot deserves it he will not object to my amendment, whatever may be his difficulties or delicacies as I might put them. I also feel perfectly sure that the supporters of this main principle will agree to my amendment.

"It would be destroying the very fundamental idea underlying this Bill if this amendment is not accepted, and if this amendment is not accepted the Bill will be a dead letter and credit will attach to no one. It might appear that influential interests are being safeguarded, while pretending at the same time to give relief to the ryots. It would be a negation of the fundamental idea of the Bill, it would be highly unfair to the ryot, it would be a special pleading for particular interests, it would be kissing or kicking the ryot according to your interests if this amendment is not accepted.

"I have heard that there is a pact that the Bill should go so far and no more. I am not a party to any such pact. I am sure that many hon. Members are not aware of it. Whatever the real implications of that pact are, and whoever are parties to it, all I can say is that it is an undesirable pact and the sooner we back out of it, the better it is for the interests of fair play and justice. Do not pretend to shed tears for the ryot while you are undermining him and destroying his chances of getting any relief.

"Before I conclude, Sir, I think it is desirable that this Hon. House should be in possession of certain important facts that have led up to the present stage of this Bill. Hon. Members will remember some months ago when my hon. colleague from Ganjam introduced his original Bill, the Hon. the Revenue Member stated on the floor of this House that the Bill as drafted is not acceptable to Government and that he would summon a conference of representative landholders and ryots to thoroughly thrash out the question, with himself as President, so that a measure agreeable and acceptable to all parties concerned, viz., the ryots, landholders and Government may be reached and on these points the hon. Member said he would redraft a Bill. As far as I remember, on this assurance, my hon. Friend from Ganjam did not press for further consideration of his Bill at that time. According to this assurance my Hon. Friend the Revenue Member summoned a Conference of representative landholders and ryots who met in his room upstairs during the latter part of October last. At that Conference the Hon. the Revenue Member explained to the Conference fully and clearly the Government's policy on the matter and as there was no agreement among ourselves he asked us to try to come

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to some agreement not only among ourselves but on the points concerning Government about which he expressed himself quite clearly to us. Consequent to this, one or two days later, the Conference met at the residence of the Hon. the Raja Sahib of Bobbili."

* The Hon. the PRESIDENT:—"I wish to know how all this is relevant to the amendment under discussion."

* The RAJA OF KHALLIKOTE:—"I wish to place the facts before the House to judge how far it is fair and I am only defending and speaking in favour of my amendment."

* The Hon. the PRESIDENT:—"If the hon. Member wants to do it, it must be at the time when the Bill is started or at the time when the Bill is closed."

Mr. T. S. RAMASWAMI AYYAR:—"When it is closed it will be post-mortem."

* The RAJA OF KHALLIKOTE:—"At this meeting the Hon. the Revenue Member was not present. Anyhow at this meeting at the residence of my hon. Friend the Raja Sahib of Bobbili, there was no talk or reference to special difficulties expressed by my hon. Friend the Revenue Member, but only the Bill as originally drafted by the hon. the Mover was taken up for consideration. At that time the question was raised that all sections of the Act under which money rents have been fixed, based chiefly on the consideration of prices, may be considered and if necessary the question may be further examined as to the effect of this legislation on all the Estates of the Madras Presidency, to see how far the cash settlements made so far under the different provisions of the Act, would affect the various Estates of the Presidency. This was overruled and we were told that everybody would be satisfied if the Bill only applied to cases under section 40 or Chapter XI and that the Bill need not go further. After that there was a protracted discussion on the Bill as drafted by my hon. Colleague from Ganjam and as it was the sense of friends who met there that some note should be made of points, etc., discussed and as nobody else offered to render this service, I came forward to write down certain points that were discussed. After all this would have really been the duty of some official stenographer, but as there was no such person present and as an idea was expressed that some notes should be made and as we were all by that time suffering from empty stomachs and dry throats, keen to close down this wonderful conference, I offered my humble services to jot down a few points with the only object of closing the meeting quickly. Besides, Sir, I am not an expert in précis-writing and I must admit I have not noted fully all the discussions that took place although I remember distinctly that these points were raised and we were overruled."

"Anyhow, I do not know what transpired subsequently between the heavenly powers of this Government here, but the fact remains that on the 6th November last the Select Committee reported that the Bill

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as originally introduced might be dropped. The Hon. the Revenue Member gave an assurance as I have already stated that if agreement was reached among all parties concerned at the conference, he would straightaway redraft the Bill and allow it to be introduced in this Hon. House. Now the facts are and in fact they are proved through subsequent events that there was no unanimous decision at the Conference that was called, if there was an unanimous decision where was the need for a separate Select Committee to be appointed and for this Select Committee to say on 6th November last that the Bill be dropped? In spite of this recommendation of the Select Committee I do not know what again transpired among the heavenly powers of this place, but this unfortunate Bill which cannot even claim a step-mother or an adoptive father was redrafted, entirely as a new Bill and reintroduced on the 9th November last by my hon. Friend the Revenue Member and subsequently remitted to the Select Committee. It is this Select Committee's Report and this life of this little unfortunate orphan that we are considering now in the shape of this Bill. This child has no doubt no parents—not even a step-mother!

“Sir, I am one of those who feel that the time has come when the ryot should be given some universal relief that will apply to the entire Presidency of Madras, but if this relief is sought to be given, in the name of fair play and justice, and in the pretence of shedding crocodile tears, confined only to a very small area, the effect of which will be that no ryot population in the Madras Presidency will get any relief, I cannot help being sarcastic in the matter.

“With these words, Sir, I commend my amendment for the acceptance of the Hon. House in the sincere hope that whatever relief is granted to the zamindari ryots of this Presidency it may be universal but not confined to particularly small areas.”

* Rao Bahadur P. C. MUTHU CHETTIYAR spoke in Tamil and the following is an English summary of his speech:—“I am not prepared to enter into details. Things have come to such a pass that whatever strikes the mind is passed into law. When it is a question of giving room, Government sit tight and the parties fight. It is the practice of Royalty to allow two people to break their heads in a duel and then confer a medal on one. The Hon. the Revenue Member says that remission will occur very rarely and so it is not harmful. Will fire or poison not affect if it is touched for the first time?

3 p.m. “I appeal to the Hon. the Revenue Member particularly that in this *tamasha* he should bear in mind that both the parties are trusting the Government in the conflict and are looking up to the Government for help. I do not think this Bill will afford any help to anybody, but it will only create a lot of difficulties and differences. The Government should realize what the consequences of these amendments would be, and should not allow things to go too far.”

* The Hon. Sir CHARLES SOUTER:—“Mr. President, Sir, I rise to support this amendment on these grounds. I think the House will

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remember that when Mr. Patnaik's Bill first came up for consideration my main objection to it was that as drafted it was certainly discriminatory in character; in other words, it was a Bill which, whether designedly or not, certainly in effect, would apply only to a very small portion of this Presidency, and in that small portion only to a very small number of zamindars. That seemed to me, Sir, a procedure which was certainly not to be commended. When a Bill affecting the relationship of zamindars and their ryots is brought forward, it ought to be a Bill, unless very special reasons otherwise are given, which will affect the relationship of all zamindars and the ryots. I feel that very strongly, and a Bill, which if brought into law would affect only that small portion of the Presidency and in that small portion only a limited number of zamindars, was not to my mind a proper Bill.

"Now, Sir, take section 30 of the Estates Land Act. There is very little to add to the detailed criticism which the Raja of Khallikote has given in his speech. But section 30 of the Act is a most important means by which the zamindar can increase his rents. It is a means by which, solely on the ground of rise in prices, he can ask the court to increase the rent by two annas in the rupee, that is to say by 12½ per cent. Note particularly that this increase in rent is on the ground of a rise in prices. Now, compare that, Sir, with the present Bill. The present Bill purports to enable the ryot to have his rent reduced on exactly the same ground, namely, fall in prices. But where in logic, in reason, while the zamindar has his rent raised on the ground of rise in prices, should the ryot not have a claim to a reduction of rent in this case when the price has fallen? Let us put the issue squarely and fairly before the House. How in logic can you refuse to the ryot the remedy which the zamindar or the landholder himself has got when there is a rise in prices?

"Then, Sir, if section 30 is introduced as the amendment proposes, we all know the result will be that the Bill if passed into law will apply practically to all zamindars, to all landholders who have applied to the courts for increase of rents under section 30. All have not done so, but a great many have. I do not wish to particularise as my hon. Friend Mr. Peddi Raju did. But it is undoubted that since the landholder was given this power to increase his rent under section 30, that power and privilege will be very widely taken advantage of, and I must say in most cases, with some justification, because in a great many of these estates the rents have not been altered for some fifty or hundred years and even more, and when there was a large increase in prices, legitimately the zamindar would turn to the ryot and say that some of the benefit as a result of the increase in the price ought to come to him. Conversely and logically, when there is a large fall in prices, the ryot can come to the zamindar and say, 'let me be given the advantage of the fall in prices.' That will be the result of the introduction of section 39-A of the Bill into the Estates Land Act. Personally, I hold personally that where we pass legislation of this kind it must be legislation which should apply generally. Secondly, I

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accept this amendment on what I consider a stronger ground and that is one of logic and pure justice to the other party. With these words, Sir, I strongly support the amendment."

* The KUMARARAJA OF VENKATAGIRI:—"Mr. President, Sir, as one of the zamindars belonging to a political party, namely, the Justice Party, which claims always the credit of striving its best to hold the scales evenly between the various conflicting interests, and in this particular case between the landholder and the tenant, it is my melancholy duty to deal with certain personal reflections and aspersions cast quite unwisely by some speakers during to-day's debate. Sir, it pained me to notice charges being made in connexion with the proceedings of an informal meeting held in the private residence of the Hon. the Raja Sahib of Bobbili. Perhaps it is the decree of fate that to-day should have been the day when two similar allegations should have been made by them in connexion with this Bill and also with another Bill which preceded this. Of course, it is not my purpose nor can I refer to the other charge, having lost the opportunity to catch the Presidential eye at the proper moment. As I started saying, the zamindars realize that it is their imperative duty to recognize every legitimate demand of the tenant while at the same time also discharging the duty which they owe to the class they belong and in whose usefulness they still believe, namely, the protection of the vital interests of that class. I take also this opportunity of expressing my gratification, barring this unfortunate measure, at the general recognition which the zamindars have received to their representations to the various Members and groups in this House. It has been alleged, Sir, that the scope of the proposed measure is very narrow, and the charge has been made that the supporters of this Bill, having nothing to lose by it, can afford to be generous at others expense. I consider it my duty to remove any such wrong impression by stating that this Bill affects the Venkatagiri estate considerably and very substantially the Bobbili estate. For this reason, I hope that all the hon. Members who have made that allegation will now revise their opinion.

"Coming now, Sir, to the reference made by my hon. Friend, the Raja Sahib of Khallikote, to the proceedings of the meeting held in 'Branson Bagh,' I may at once state that while sympathizing with his inability to be as good a shorthand or precis writer as a professional could be, I cannot but repudiate the allegation, namely, that even in that meeting this question was raised by him.

3-15 p.m. "This was raised in the Select Committee meeting and it was also proposed by my hon. Friend, the Raja Sahib of Khallikote, and we considered it our duty to vote it down. But, Sir, to say that this was raised by him at 'Branson Bagh' and that he was not a party to what he described as a pact does indeed pass my comprehension. Suffice it now for me to say that it is very unfortunate that these personal aspersions have been cast in this debate. I think it is the duty of every legislator to view every question on its merits and not to consider it on purely personal grounds.

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“Again, Sir, we claim the credit of having considered the various proposals affecting the relationship between the landlords and tenants which have come before this House, basing my claim on the testimony given by the late lamented Diwan Bahadur Muniswami Nayudu Garu who was a very zealous and unyielding champion of the tenants’ cause, that we always to the best of our ability endeavoured to do justice to the tenant. In connexion with this amendment which is now before the House I wish to submit that injustice may be done to certain zamindars who have not given effect to this provision, namely, section 30 of the Estates Land Act and enhanced their rent. Even in cases where such an attempt was made, the courts might not have given to the fullest extent the benefit that was due to them on the basis of the prices. In such cases, even if the increment that was given has to be reduced, certainly it would be an injustice to the legitimate claims of the landholder coming under that category if enhanced amount is reduced. Being a zamindar in whose zamindari there has not been any enhancement for the last forty or even more years, and where commutation took place under section 40 and also resettlement under Chapter XI and therefore liable to be affected by the changes made, I still feel that what is now proposed, namely, to give benefit in those cases which come under section 30 also is unjust. But the second amendment of my hon. Friend, Mr. Peddi Raju, would, I think, minimize the injustice that may be caused to the zamindars. There is a consequential amendment which Mr. Peddi Raju has promised the House to move provided that amendment is accepted. With these words, I resume my seat with the confidence that when we go to the electorate we can claim to have done our best to do justice to the various conflicting interests.”

Rao Bahadur Sir A. P. PATRO:—“Mr. President, Sir, I think on this occasion Government have shown themselves to be very impartial and willing to do justice all round. I am very much gratified and would compliment them on this occasion.

“The question before the House is the amendment moved by my hon. Friend, Mr. Peddi Raju. This is not a new amendment but it has come up for the first time here. The hon. the Mover has himself stated that the scope of this Bill is limited to temporary fall in prices. It is a very elastic provision made by the hon. Member who is a clever lawyer. This provision has been considered for a long time. The reasons which led me in the first instance to support my hon. Friend’s Bill were that since 1930–31 there has been a fall in prices and therefore relief is needed for the ryots. The ryots in many cases have not been able to pay their rent at all. The produce of the land was not sufficient to meet the rent. Then again, the landholders of this Presidency have been granting remissions and showing concessions to ryots from time to time, but there was no legal obligation on them to continue them; therefore, the hon. Mover thought that what is in practice which the zamindars have been following all these years, should be embodied in the statute. Therefore, I said that there is nothing new in the Bill but the Bill as it came out of the Select Committee is

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rather of a restricted scope. I do not think that it is intended that it should have any restricted scope for this reason. There are three classes of cases under the Estates Land Act. First there are cases coming under section 40 where there may be commutation of rent where rents were paid by ryots at the interference of the middleman—I have experience of this in my own district—and the happy relations that subsisted between the landlord and tenant in many cases became strained on the interference of this middleman. The second class of cases come under Chapter XI where the ryots thought that by means of this survey and settlement, they would be in an advantageous position. The ryots were not willing to undergo all these troubles but the agitators or middlemen instigated them, and this act of theirs is responsible for the present unhappy state of things. In addition to these two classes of cases, there is a third class of cases. Section 30 of the Estates Land Act says:

‘Where for any land in his holding a ryot pays a money-rent the landholder may institute a suit before the Collector to enhance the rent on one or more of the following grounds:—

“The first ground is ‘that during the currency of the existing rent there has been a rise in the average local prices of staple food crops in the taluk zamindari division’;

“The second ground is ‘that during the currency of the existing rent, the productive powers of the land held by the ryot have been increased by an improvement effected by, or at the expense of, the landholder’;

“The third ground is ‘that a work of irrigation or other improvement has been executed at the expense of Government, and the landholder has been lawfully required to pay in respect of the holding an additional revenue or rate to Government in consequence thereof’; and

“The fourth ground is ‘that the productive powers of the land held by the ryot have been increased by fluvial action.’”

These are the conditions under which a landholder is entitled to enhance the rent, the chief being rise in prices. Now in the local areas of various estates, prices have fallen and it is but natural that remissions should be given where such conditions prevail. Therefore it should be of universal application. There is another point. A recent order was issued by the Government on the fasli 1344 review. In that review, the Government have pointed out that a very large number of applications have been made in the several districts under section 30 for enhancement of rent and this has given rise to a large volume of work. Therefore, Sir, it seems to me that a remedy is absolutely necessary to the ryots in the estates who have been subjected to such enhancement, whether on commutation grounds or on the ground of survey and settlement. The case for the ryot is very strong, and the House which has carried the first amendment to clause (1), viz., that there should be a universal application immediately of this Act, should extend that principle to this amendment also, so that they may not be doing injustice to anybody. The two being connected, there is no reason why this amendment should not be accepted. I know the amendment may cause hardship to many estates. But the whole Bill is intended not as a permanent measure, not as a measure which will affect the landlord and tenant for ever and ever, but only when such

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[Sir A. P. Patro]

conditions prevail, namely, fall in prices and the conditions mentioned in the Bill. And only if those conditions are satisfied, relief would be given. I am not in favour of those restrictions, because the ryot wants relief urgently; why should we place these restrictions on him? Anyhow, so far as the Bill goes, with this amendment, I think it will be a very useful measure and will help the ryots very much."

Mr. T. S. RAMASWAMI AYYAR:—"Mr. President, Sir, while some 3-30 of us appreciate this move for an agreed amendment, speaking for P.M. myself, I am not able to see how some of us can agree to the other amendments which Mr. Peddi Raju proposes to move. I do not want that it should be understood that the House is going to accept this amendment with any condition attached with regard to the later amendments."

Mr. P. PEDDI RAJU:—"Sir, I am very thankful to the Hon. the Revenue Member and to the Kumararaja of Venkatagiri for having supported this motion. As I said, there is a feeling among the zamindars that this would be a great inconvenience to them. But I submit that it is not correct because if there is a rise in prices it would not apply at all. It is a matter of give and take. When the prices are very low, the zamindars are helping the ryots. From the Administration Report it will be seen that they are helping their tenants even now and so helping themselves. In spite of this policy of give and take, you will see from the report that 14,000 holdings have been sold in the last fasli for sums which are below 50 per cent of the estimated value. In such cases, in the case of zamindars who do not care for the interests of the tenants, the Government can come in and better the relations and help the poor tenants. So, Sir, my appeal to this House is that nobody should labour under a misapprehension regarding the scope of this measure. Both in the interests of the zamindars as well as in the interests of the tenants, this amendment should be accepted."

* The Hon. the PRESIDENT:—"I will put the amendment to the vote of the House. The question is:

'In clause 2, section 39-A (1), after the words "where the rent of any land has been" insert the following :—"enhanced under section 30 or".'

The amendment was put and carried.

* Mr. P. PEDDI RAJU:—"I beg to move—

'Add the following proviso to sub-section (2) of section 39-A in clause 2 of the Bill:—

"Provided that the rent after remission shall not be less than the rent payable by the ryot before the enhancement made under section 30."

Sub-clause (2) runs as follows:—

'The rent after remission shall bear to the rent lawfully payable for the time being, the same proportion as the average prices during the twelve months ending with the 31st March of the revenue year, in respect of which such remission of rent is claimed, bear to the average prices, on the basis of which the rent had been previously fixed.'

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“I want to add a proviso to this in the manner proposed by me. My idea is this: supposing the rent on the land is Rs. 10 and section 30 is applied and it is raised. That means that there has been a rise in prices. Subsequently prices fall. I suggest that in such a contingency the remission that is to be granted should be only to the extent of the enhancement made and not more than that. Of course there will be difficulties in the way. But I gave notice of this amendment because in the private conferences when the representatives of the ryots claimed that this section 30 should be introduced, it was argued on behalf of the zamindars that there will be a difficulty. Supposing the rent is about Rs. 10 and there is an enhancement of Rs. 2. The price will then be Rs. 7 a bag. Supposing later the price comes down to Rs. 3-8-0 per bag and if the rent is to be reduced in proportion to the fall, it would be much less than what it used to be for half a century. In those cases also you should be entitled to ask for remission. It is for meeting such cases that I have suggested this proviso.

“I understand from my hon. Friend, Mr. Ramaswami Ayyar, that he is not agreeing with my view. His argument is that supposing the prices fall much below those prevailing at the time the rents were originally fixed, is it fair that the tenant should continue to pay the same rent or get only a reduction of two annas in the rupee? There is no doubt some logic in that argument. But as practical men we must recognise that there has been no enhancement prior to 1908 and that subsequently rents have been raised only when there has been rise in prices. The present prices also are not much below the 1908 level. That is why I suggested that this will work. I do not know whether future contingencies will make the rent go up further. Anyway, we are not providing for future contingencies. If such contingencies arise in after years, we can suitably amend the Act then. Sir, I have given my reasons for including this proviso and explained to the House that there is nothing wrong in introducing this proviso now. If it works hardship there will be time enough to suggest subsequent amendments.”

Sriman M. G. PATNAIK Mahasayo:—“I second the motion. The hon. Mover has elaborately explained the need for this proviso. I therefore wish to say that no doubt if pure logic is to be adopted in all these matters, we cannot arrive at a satisfactory solution. So far as the Settlement Chapter is concerned, the Estates Land Act has been pronounced to be very satisfactory by a Full Bench. Somebody has to overhaul the Estates Land Act some time or other; but until that is done we have to be satisfied with some patchwork. We have to give relief wherever temporary relief is considered necessary and for that purpose this Bill has been introduced. So far as section 30 is concerned, no doubt, Mr. Ramaswami Ayyar thinks that the ryots should be at liberty to apply for reduction of rent even if the rent is below that prevailing half a century ago. But my hon. Friend must bear in mind the fact that we have practically no data as to how that rent was fixed and no materials to show what the prices then were. Therefore there would be a good deal of difficulty to work

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out such a provision. That being the case we must leave the provisions as they are. We cannot take a very long view of the matter. This must be taken only as a patchwork as explained by the hon. Mover. When the time comes for overhauling the entire Act we can have a more satisfactory Act. Now of course the objection of the landholders with regard to the enhancement under section 30 being governed by this Bill has disappeared with this proviso. They cannot say now anything against this proposition that this Act should affect only the amounts enhanced under section 30 and not the rent originally fixed. Of course if the original rent had been fixed under section 40 or under Chapter 11, then it would be affected by the first part of the section and, if it had been fixed some years ago, then it would not be affected at all. That would be the effect of the provisions of this Bill. I therefore support the amendment."

Mr. T. S. RAMASWAMI AYYAR:—"Sir, the arguments ably advanced by the hon. Mover and the seconder of the amendment have left me unconvinced. It has been said by the hon. Member from Ganjam that this is only patchwork. He also said that there is logic in my position. Both the Mover and the seconder have anticipated my remarks. I find that my apprehensions have not been dispelled by their arguments. If some years ago, the rise in prices had necessitated the rise in rent, it is logic that when the prices topple down the ryots must have the right to get the rates reduced. We have now for some years fought the Government on this issue and I think we have fairly won. For a long time it was said that a reduction in the land revenue, merely because of fall in prices, was an inroad on the whole land revenue system which was invulnerable. But in the last few years the Government have seen that they could not stick to that point and that justice requires that the ryots at critical periods deserve sympathy and agreed that fall in prices was a reason for remission. The Government have also made necessary modifications in the Board's Standing Orders. That reason applies equally in the case of the zamindaris. If a ryot's rent has been increased abnormally, certainly the ryot is entitled to relief when the prices come down.

"The hon. Member from Ganjam said that it is not likely that there would be many cases where prices have come down and that there might not be data. We are not now legislating for a position of which we are not sure. We merely say that the ryot is entitled to remission if it is said that the commutation rates that were fixed long ago were not based on correct data and that prices that rule now are very low. The ryot has to prove his case. If he has not proved his case already, it is now necessary for him to prove that years ago the commutation rate was very high when compared with the prevailing prices now. We cannot say that there are no data. It is for the ryot to furnish data. It is our duty to say that he has got to prove his case in a Revenue Court. That is the position that I take up. If hon. Members can convince me, certainly I do not want to create

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difficulties. I feel that the ryot's privilege should not be lightly brushed aside. If you accept the principle enunciated in the Bill, this is the only conclusion that we should come to and no limit should be placed on the remission that the ryot is entitled to. I therefore oppose the amendment."

* The Hon. the RAJA OF BOBBILI:—"I am afraid the hon. Member for the University has intervened in this debate without understanding the whole position. Similarly he thought yesterday, when we were discussing the Public Services Commission Bill, that we were discussing the report of the Public Accounts Committee. If hon. Members have followed the various stages of the Bill, they are entitled to express their opinion. Whether we differ or agree, it is a different matter. Now it is not a case of the ryot being shut out of the benefit in reduction. There are three classes of estates which will be benefited under this Bill. Firstly, there are estates where rents have increased under section 40, secondly there are estates where grain rents have been commuted into cash rents and thirdly there are estates which come under the amendment of the hon. Member, Mr. Peddi Raju, where rents have been increased under section 30. In the case of estates which have been settled under section 40 or Chapter XI, this Bill does not lay any restriction or limit the powers of the court in granting any reduction or remission of rent in proportion to the fall in prices. But in the third class of cases, it is admittedly estates where rents were fixed half a century or before and where it will be impossible for the court to arrive at basic figures on which the previous rents were fixed. In such cases it is proposed by this amendment to extend the benefit to the ryot by enabling him to apply to the court. But at the same time it has to be pointed out that by providing for this right, you should not allow the old rates also to be opened. For example, if the rents were Rs. 8 an acre and there has been an enhancement by Re. 1, now that the prices have fallen, it is but fair that there should be a reduction of Re. 1 and that we should revert to the old rent. There is no reason behind the argument that we should also reduce the old rents. As a matter of fact even under section 30 the number of estates that have taken advantage of that section is only a small percentage of the estates in the Presidency and if my hon. Friend, Mr. Ramaswami Ayyar's contention is upheld it would really mean that in these few estates you will be not only reducing the enhancement which they are legitimately entitled to under the old conditions, but you would also be cutting the old rents, and at the same time in the case of rents in other estates you will be leaving them alone though they did not have recourse to courts. I do not understand how the landholders, in whose cases the courts have found there was a case for enhancement under section 30, could be placed under any disability of not applying to a court for enhancement and at the same time the old rents which have been existing for generations should be further cut down. It may be asked what is the remedy to the tenants if there is a permanent fall in prices. I may state that the only object of this Bill is to provide temporary

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relief to meet the present phenomenal fall in prices and it is not sought to provide for conditions where there is a permanent rise or a permanent fall in prices. If as my hon. Friend, Mr. Ramaswami Ayyar said, there is a permanent fall in prices, there is already a provision in the Act by which the ryots can get a permanent reduction in rent, and the consequential amendment to the amendment which my hon. Friend, Mr. Peddi Raju, has now moved is not necessary. Otherwise, we will be creating a great deal of confusion in the courts for it is admitted on all hands that the old rates were not based on any average prices or any basic figures. There are neither data, nor any guidance for the courts or the parties to arrive at any basis if this amendment is not carried out. I therefore feel that the objection raised by my hon. Friend, Mr. Ramaswami Ayyar, is really untenable. I hope the House will now unanimously pass the amendment of my hon. Friend, Mr. Peddi Raju."

* The Hon. Sir CHARLES SOUTER:—"My difficulty about this amendment is this: it makes no difference between estates in which rents are high and those in which they are not high. In some estates the rents are considerably higher than rents in other estates. It really resolves itself into this: are those rents which are high proper rents? As my hon. Friend, the Chief Minister, said, it is impossible for us, with the data at our disposal, to say what is high rent, and what is not. I recognize that this amendment is in the nature of a compromise and it is more or less a make-shift. I think that that the relief afforded to the ryot in this case is anyhow something which perhaps in some cases may not be altogether adequate and I am prepared to accept the amendment."

The amendment was put and carried.

* The Hon. Sir CHARLES SOUTER:—"Sir, I beg to move—

'In line 10 of sub-section (5), for the words "the rest of the rent," substitute the words "the remaining portion of the rent".'

This is merely a drafting amendment."

Mr. T. SUNDARA RAO NAYUDU:—"I second it."

The amendment was put and carried.

Clause 2 as amended was put and carried.

Clause 3—Section 215.

* The Hon. Sir CHARLES SOUTER:—"I beg to move the amendment that stands in my name and which runs as follows:—

'(1) For the opening paragraph of sub-clause (i), substitute the following:—

"(1) in clause (1) of the second paragraph—

'(a) the word "and" at the end of sub-clause (b) shall be omitted and at the end of sub-clause (c), the word "and" shall be inserted; and

[Sir Charles Souter]

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(b) *after sub-clause (c), the following sub-clause shall be added, namely:—*

(2) *In line 4 of sub-clause (ii), before the word “determining” insert the word “for”.*

Sir, these are only drafting amendments and I think no comment is needed.”

The amendment was duly seconded.

The amendment was put and carried.

Clause 3 as amended was put and carried.

Preamble.

4 p.m. * The Hon. Sir CHARLES SOUTER:—“Sir, I beg to move—

‘In line 2 of the first paragraph, for the word “purpose” substitute the word “purposes”.’

This again is only a drafting amendment.”

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—“I second it.”

The amendment was put and carried.

The Preamble as amended was put and carried.

Sriman M. G. PATNAIK Mahasayo:—“Sir, I beg to move that the Bill be passed into law. In doing so I thank the Hon. the Chief Minister and the Hon. the Revenue Member for having facilitated the passage of the Bill through all its stages. I do not wish to speak at length on this motion and detain the House, for hon. Members who are waiting to move resolutions standing in their names will curse me, including also those hon. Members whom I want to thank for the help they have rendered in this connexion.”

Mr. C. BASU DEV:—“I second the motion.”

* The Hon. the RAJA OF BOBBILI:—“Sir, I feel it my duty to answer some of the accusations made on the floor of this House by my hon. Friend the Raja Sahib of Kallikote. I thought you might rule them out of order as being irrelevant if I made those observations in connexion with the amendments to the Bill. I have followed your advice and taken this opportunity to say a few words, as otherwise I might be misunderstood if I recorded a silent vote. On more than one occasion during the various stages this Bill has gone through both in the Select Committee and in the Council I have explained to the best of my ability the origin of this Bill. Even at the risk of repetition, I wish, if hon. Members will bear with me, to say a few words.

“As the records of the Legislative Council will prove, the principle underlying this Bill which has just been enacted by this Hon. House was embodied in the list of amendments given notice of by members of the Justice Party in 1933 to the amending Bill then being piloted by Sir Archibald Campbell. At the suggestion of the then Hon. Member in charge of Revenue a conference was called at my residence in 1933.

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We considered the various outstanding problems which required solution regarding the difficulties of both zamindars and tenants. As a result of that, a number of amendments were given notice of in this House. Those amendments had been accepted at a Party meeting. But subsequently during the Council stage of the Bill, the amendment to clause 8 was ruled out of order by you, Sir, on the ground of its being outside the scope of the Bill then introduced. Subsequently, my hon. Friend Mr. Patnaik brought forward a separate amending Bill to give effect to the previous decision of the Party. There is therefore nothing strange or unnatural in the Party which has sponsored the changes in the earlier stages giving wholehearted support to this measure.

“ Sir, I need not repeat particulars regarding the further stages of the present Bill, but I will only state a few facts about the conference which was held, if I remember aright in November last, to consider the present Bill at the suggestion of my Hon. Colleague the Hon. the Revenue Member. Several hon. Members were present there and after a great deal of discussion we arrived at certain conclusions which were embodied in amendments given notice of in connexion with that Bill. As far as I could remember, the only point on which there was no agreement was with reference to the deposits to be made by the ryots on application. My hon. Friend the Raja Sahib of Khallikote insisted that the ryots should deposit 75 per cent of the rents with their application. He also insisted that the application must be by not less than 25 per cent of the ryots of the village. Of course this proposal did not command any support from various Members of the House. Apart from that, various other proposals had been agreed to by the various Members present there. In this connexion I may also state that those hon. Members who claimed to represent the tenants were very reasonable, understood the viewpoint of the landholders also and we left the conference with the impression that by our labours we had been able to find a happy solution to the immediate problems presented to us in the Bill. But to-day I am painfully surprised to note from the speech of my hon. Friend the Raja Sahib of Khallikote that he was not a party to any of those agreements and that he was only playing the part of a stenographer in recording them. I may state that this statement is absolutely untrue and I am sure the various hon. Members who were there will also agree with me. I may also state that the other statement that he raised the point that section 30 should be included is not correct. It was raised by Mr. Peddi Raju. . .”

* **THE RAJA OF KHALLIKOTE:**—“ On a point of personal explanation, Mr. President, as far as I could remember, even at the beginning of the conference I raised the question of the other sections of the Act and the general effect of the Bill on all the estates of the Presidency and said that they also must be included within the scope of the Bill, but we were overruled and told that the conference wanted only section 40 and Chapter XI to be dealt with and not the other sections. It does not mean that I gave up the idea. It was only after that that

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I began jotting down notes. I think the hon. Members Mr. Ramalingam Chettiyar and Mr. Peddi Raju will bear me out when I say that this question was moved at the beginning of the conference."

The Hon. Sir CHARLES SOUTER:—"May I just suggest that these recriminations are unnecessary and they need not be pursued further? I do not think it is going to help either this side or that side, this Gentleman or that Gentleman. Therefore I do not think these matters need be gone into."

The Hon. the RAJA OF BOBBILI:—"Sir, I never wanted even to intervene in this debate. However I thought I would be failing in my duty to myself as well as to this House if I did not place these facts before the House. I am sure my hon. Friends Mr. Peddi Raju and Mr. Ramalingam Chettiyar will support me in my statements. However, in deference to the wishes of the Hon. the Revenue Member, I do not want to meet the other charges made against us by the Raja Sahib of Khallikote. I will only, if you will permit me, deal with some of the general aspects of the question.

"Sir, unfortunately I have not got the facts and figures before me, and it is not possible except for the Government to collect the data. However, it is not correct to say that there are only a few estates in Ganjam district which are now going away to Orissa Province which would be affected by this Bill. There are numerous important estates which have been surveyed and settled and whose rents have been commuted under Chapter XI. Apart from the amendment of Mr. Peddi Raju which has now been accepted by the House, this Bill will certainly affect all those estates if the prices during the fasli for which the application is made are lower than the average prices at which the old commutation rates or the settlement rates were adopted. Therefore it is rather unfair that a charge should be made that this Bill is commanding this amount of support in the party because it is only going to affect a few landholders and not others. I do not know whether this hon. House has realized that by this Bill we are agreeing to a very far-reaching principle that rents should vary in proportion to the market prices of the produce. If this Bill has been supported and—I am now happy to say—has reached the final stage, it is not because I wanted to get any political *kudos* for me personally or to satisfy myself for any grievance against any particular individual, but it is because I felt that it was not only in the interests of the ryots but also in the interests of the landholders that every reasonable effort should be made on both sides to make the position of the tenant as comfortable as possible, consistent of course with the right of self-preservation of the landholders themselves. I for one can state I have no personal axe to grind nor will I be in any way benefited by furthering any legislation which would affect only certain persons against whom I really bear no grudge and to whom all these years I have done everything possible by way of assistance and help. Perhaps in view of the future constitutional changes, politically speaking it was considered

A BILL FURTHER TO AMEND THE MADRAS ESTATES LAND ACT, 1908, 607
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lightly to make these unfounded charges, but I may advise my friend that whether now or in future, such attitude and such actions will not benefit anybody."

* The RAJA OF KHALLIKOTE:—"I wish to state that the Hon. the Revenue Member mentioned the defects of the Bill much more vehemently than myself. Anyhow I am glad that better sense has at last prevailed and the amendment has been accepted by which the provisions of the Bill will apply to all cases in the Presidency. I am sure the original intention was different."

4-15
p.m.

The Hon. the RAJA OF BOBBILI:—"The original intention was that the Bill should apply to as many estates as possible."

The motion was put and carried and the Bill was passed into law.

V.—A BILL FOR THE PROTECTION OF VILLAGE OFFICERS
IN THE MADRAS PRESIDENCY.

Mr. A. RAMAKRISHNA REDDI:—"Sir, I beg to move for leave to introduce a Bill for the protection of village officers in the Madras Presidency."

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—"I second it."

The motion was put and carried.

Mr. A. RAMAKRISHNA REDDI:—"I introduce the Bill."

VI.—THE MADRAS EMPLOYEES' PROTECTION BILL.

Mr. C. BASU DEV:—"Sir, I beg to move for leave to introduce the Madras Employees' Protection Bill."

Mr. A. RAMAKRISHNA REDDI:—"I second it."

The motion was put and carried.

Mr. C. BASU DEV:—"I introduce the Bill."

VII.—MOTION UNDER STANDING ORDER No. 33.

Mr. T. S. RAMASWAMI AYYAR:—"Sir, under Standing Order No. 33 I move that all the other items of business on the agenda be passed over until resolutions Nos. 9 and 10 are disposed of."

Mr. K. A. NACHIYAPPA GOUNDER:—"I second it."

Mr. M. S. SRESHTA:—"Sir, I beg to oppose the motion; there is one important item in the agenda. This is the third time that the resolution regarding the aided elementary schools has been balloted (I have already given my reason for opposing this motion). I can understand the importance of the motion which is sought to be moved at once. But at the same time the resolution in regard to elementary schools has been pending for the last two or three years. Conferences have been held everywhere in the Madras Presidency and some opportunity may be given to move this resolution. I promise I shall not take much time over this resolution. The matter is not controversial. The resolution can be considered in 15 or 20 minutes and there will be time enough to take up the other items. I am very sorry I have to oppose this motion."

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Rao Sahib V. I. MUNISWAMI PILLAI:—"I second the motion, Sir. I have great sympathy for the ryots and with the matter referred to in resolutions 9 and 10. Elementary education also is a very important matter. I think it is high time that some time should be allowed for its discussion and so this resolution can be taken up first."

The motion was put and declared lost.

A poll was demanded and the House divided thus:—

Ayes.

- | | |
|---|--|
| 1 Mr. G. Ranganatha Mudaliyar. | 13 Mr. K. A. Nachiyappa Gounder. |
| 2 " P. C. Moses. | 14 " H. B. Ari Gowder. |
| 3 " K. Pattabhiramayya. | 15 " G. R. Premayya. |
| 4 Khan Bahadur Mahmud Schamnad Sahib Bahadur. | 16 Rai Sahib C. Kolanda Reddi. |
| 5 Mr. M. B. Rangaswami Reddi. | 17 Mr. K. Koti Reddi. |
| 6 Diwan Bahadur T. A. Ramalingam Chettiyar. | 18 " G. Rameswara Rao. |
| 7 Mr. Abdul Hameed Khan. | 19 Rao Bahadur R. K. Venugopal Nayudu. |
| 8 " Basheer Ahmed Sayeed. | 20 Mrs. A. Rukmani Lakshmi pathi. |
| 9 " T. S. Ramaswami Ayyar. | 21 Mr. T. Narasa Reddi. |
| 10 " A. B. Shetty. | 22 " C. Obi Reddi. |
| 11 " A. M. Ahmed Meeran. | 23 Mr. Mahboob Ali Baig. |
| 12 " P. Peddi Raju. | 24 Mr. M. A. Manikkavelu Nayakar. |

Noes.

- | | |
|--|--|
| 1 The Hon. Sir K. V. Reddi Nayudu. | 19 Diwan Bahadur A. Appadurai Pillai. |
| 2 " Rao Bahadur A. T. Pan-nirselyam. | 20 Mr. D. M. Reid. |
| 3 " Sir Charles Souter. | 21 " W. K. M. Langley. |
| 4 " Mr. G. T. H. Bracken. | 22 " G. F. F. Foulkes. |
| 5 " The Raja of Bobbili. | 23 " W. P. A. Soundrapandian. |
| 6 " Diwan Bahadur S. Kumaraswami Reddiyar. | 24 " P. K. Ramachandra Padayachi. |
| 7 " Mr. P. T. Rajan. | 25 Rao Sahib V. Dharmalingam Pillai. |
| 8 Diwan Bahadur C. Natesa Mudaliyar. | 26 Rao Bahadur D. Krishnamurti. |
| 9 Mrs. Alamelumangathayaramma. | 27 The Kumararaja of Venkatagiri. |
| 10 Mr. W. Scott Brown. | 28 Rao Sahib Pandit Ganala Ramamurti. |
| 11 " H. R. Uzielli. | 29 Mr. P. M. Thangal. |
| 12 " C. E. Jones. | 30 " C. Basu Dev. |
| 13 " G. T. Boag. | 31 " M. S. Sreshta. |
| 14 " R. Madanagopal Nayudu. | 32 Rao Bahadur G. Jagannatha Raju. |
| 15 " T. B. Russell. | 33 Rao Sahib V. I. Muniswami Pillai. |
| 16 " T. Sundara Rao Nayudu. | 34 Diwan Bahadur M. Gopalaswami Mudaliyar. |
| 17 Khan Sahib Syed Tajuddin Sahib Bahadur. | 35 Rao Bahadur Subadar-Major S. A. Nanjappa Bahadur. |
| 18 Diwan Bahadur R. Srinivasan. | |

Neutral.

- | | |
|---------------------------|-----------------------------------|
| 1 Mr. R. M. Palat. | 4 Rao Sahib D. V. Narasimhaswami. |
| 2 Zamindar of Mirzapuram. | 5 Mr. A. Ramakrishna Reddi. |
| 3 " Bodinayakkanur. | 6 " I. C. Iswaran Pillai. |

Ayes 24. Noes 35. Neutral 6.

The motion was lost.

Mr. BASHEER AHMED SAYEED:—"Sir, may I, with your leave, move that all the other items of business on the agenda be passed over until resolution 10 is disposed of? The Council has given its decision with

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regard to resolutions 9 and 10. It may agree to allow precedence to resolution No. 10. I therefore move that resolution No. 10 may be taken up for discussion now."

* The Hon. the PRESIDENT:—"The hon. Member cannot try chances. I would not allow any such motion to be moved now. We had a vote just now on the previous motion which included reference to resolution No. 10 also. If the Member wanted, he could have moved an amendment to the previous motion before it was put to vote."

VIII.—RESOLUTION *RE* ESTABLISHMENT OF HOMŒOPATHIC SCHOOL OF MEDICINE AND DISPENSARIES—*cont.*

* The Hon. the PRESIDENT:—"The House will now take up Mr. G. Rameswara Rao's resolution^a which was under discussion on the last non-official day, i.e., 8th August 1935."

* Mr. G. RAMESWARA RAO:—"Sir, I thank the House for giving me an opportunity for speaking on my motion as early as this. I make a recommendation to the Government that they might enquire into the merits of the Homœopathic system of medicine and consider the possibility of adopting that system of medicine. The Hon. Minister told me when I moved a cut motion, that the subject was a new one. He said he would consider the matter if it was brought up separately. Therefore I propose to give a short history of the movement; I shall show how the system is practised in India and elsewhere including the British Isles. With regard to the history of the movement, I wish to preface by saying that the system was started by Christian Samuel Hahnemann who was born on 11th April 1755 and died on 2nd July 1843; he lived to a very ripe age. We should recognize the system which he has founded for the benefit of posterity.

"He was himself an eminent allopathic doctor well-versed in modern science and was responsible for about 150 publications on Chemistry and Medicine. That will show to the House how efficient he was as a recognized member of the medical profession as it existed in those days. Curiously enough, he was not only a research scholar but an eminent scientist also, and he was a man who was fully alive to the calls of conscience and the calls of God within. The curious incident of his life was that when he felt himself unable to cure fever among his own children, he said to himself: 'If I am unable to cure my children of fever, it is absolute want of honesty in me to go to others and tell them that I can cure them of their ills and enrich myself at their cost.' So he said his conscience won't allow him to practise medicine any more because of his thorough failure in his own domestic circle. Then having no other means of livelihood, he took to translating medical books from

4-30
p.m.

^a This Council recommends to the Government that a Committee consisting of some non-official Members of this House and some officials and some homœopathic practitioners be constituted to report to the Government on the advisability of starting a Homœopathic School of Medicine and Homœopathic Dispensaries in our Presidency.

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one language to another, as he was a well-known linguist. And in the course of translating Cullen's *Materia Medica*, he came across a passage dealing with cinchona bark, to the effect that this bark when given to a healthy man, produces chills and temperature. He was rather surprised when he found it, because in common experience, this cinchona bark was given to cure fevers of a malarial type. When he saw that passage he paused at that stage and wanted to verify the statement by performing an experiment upon himself. So, he took a few doses of this cinchona bark and the result was that he developed symptoms of fever. Then again, he pondered over the matter, and said to himself: 'Well, if this principle is illustrated in the case of fever with cinchona bark, can this principle be extended to cases of gonorrhœa, syphilis, and other diseases of the sort?' Being himself an efficient doctor, he knew what medicines were applied for what diseases, and consequently he began proving the truth for himself to see whether he could develop a logical theory in the administration of drugs. And to his wonder, he found that each drug usually given to cure a particular disease in those days—as in these days also—was capable of developing in a healthy man the very symptoms of the disease for which the drug was given to a patient as a cure. Then, not being satisfied with an experiment upon himself, he collected a coterie of friends, all medical men of repute, and put it to them to verify his own experience; he asked them to take drugs with a view to publish to the world, if the results proved satisfactory, this theory and to have it demonstrated. Then, every member of the medical profession proved that the experiment led only to one logical conclusion, i.e., that like cures like—that is to say that a drug which develops a certain disease if taken by a healthy man, is the only drug which can be given to a patient suffering from such a disease as a cure. That is the fundamental theory. This is a scientific theory which has been developed by scientists in the West and accepted by eminent people in the West as a theory very well demonstrated.

"It is said, Sir, that homœopathy is a symptomatic treatment. The symptoms are taken to be the voice of the inner man. The system of homœopathy goes to the very root of the man and gives him a complete cure as opposed to a temporary cure of certain evils one at a time and not for all the ills—all at a time. That is a virtue which is inherent in homœopathy. Another important point to be remembered is that the system does not involve vivisection, and it is the most humane system that can be devised for the benefit of humanity. Not only this: these tiny pills are developed from an infinitesimally small proportion of medicine. The idea is that the less the medicine the greater the effect. The medicine is expected to operate on the mind, so that the whole man in all regions such as physical and mental is taken together and the medicine goes to the very root and cures the man effectively. Above all these things, Sir, this is the cheapest system. For all these reasons, I commend, Sir, that this system should be tried and that the Government, after investigating the question, should take advice from a properly constituted committee.

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“ Sir, the history of this system in India begins in the year 1839 when Maharaja Ranjit, in his last throes of agony, all available means having failed, consulted Dr. John Martin Honigberger who only was able to give him any relief. But homœopathy was little known to our country at that time. Some time later, it began to draw the attention of the public in Bengal, and mention can be made of Sir John Litler, a Deputy Governor of Bengal, Mr. Ironside, a Sessions Judge and Dr. Fabre, who did much towards the establishment of hospitals, charitable dispensaries and helping associations in many places. Further on, Mr. Rajendra Lal Dutta, another notable Bengalee, gave a great impetus to this system. Again, another gentleman, Dr. Sarkar, at first the Secretary and later on the Vice-President of the British Medical Association of Calcutta, became a convert to homœopathy and he gave it the very best impetus that was possible in those days. This system has been in vogue in India to a lesser or a higher degree from the year 1839 onwards, and for nearly a century now we have not recognized the virtues of this system which are recognized all over the world. The Government should take steps to find out what benefit this system is capable of giving to the people.

“ As a last argument, I shall instance the case of His Majesty. During the penultimate illness of His Majesty King George V, when his blood was found to be full of streptococci, it was given to a homœopath to clear the blood of streptococci within twenty-four hours and then hand over the patient to the other doctors, to carry on their cure. Again, the Prince of Wales, our present Emperor, is himself a notable man, having great faith in the efficacy of homœopathy; in fact, in the Royal Household, homœopathy is allowed to be freely used along with allopathy. When such is the recognition given all over the world to homœopathy, the best thing for the Government is to appoint a committee to go into the matter, and to take the opinion of eminent people in the West as well as in the East. About eight years ago a similar motion was moved in the Travancore Legislative Assembly, and I am glad to tell hon. Members that the motion was carried by a large majority. The Travancore Government has introduced the homœopathic system as a State system of medicine. About two months ago I also read in the papers that during the cholera epidemic, the Government of Travancore specially allotted a particular area where this system was to be given a trial. That is the way in which homœopathy is recognized even in the Native States. The matter being one of such great importance and especially when the medicine is so cheap and our medical budget can be easily cut down and when our vital statistics can be very well made to compare favourably with those of any foreign country if we introduce this system, it is up to this hon. House to agree to this resolution. Sir, I commend this proposal to the acceptance of the Government.”

Rao Sahib V. I. MUNISWAMI PILLAI:—“ I second the resolution, Sir.”

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* Mr. A. B. SHETTY :—" Mr. President, Sir, I move—

that in the resolution of my hon. Friend, Mr. Rameswara Rao, for all the words after the word " Committee " in line 1, the following be substituted :—

" including some homœopathic practitioners be constituted to report to Government on the advisability of providing a course of practical instruction in the homœopathic system of medicine in our medical institutions."

Sir, I am heartily in sympathy with the resolution. My object in moving this amendment is to make it more easy for the Government to accept the resolution. I think, Sir, that no separate school for teaching this system of medicine is necessary. The subjects to be studied are almost the same. A practitioner of homœopathy will also have to study anatomy, physiology, pathology and such other subjects. Any graduate who comes out of our medical institutions could pick up a knowledge of homœopathy in a very short time. I do not think it is necessary to start a separate school of homœopathy alone, and the question of our starting homœopathic dispensaries can be taken up later on.

" Sir, allopathic physicians give medicines in large doses and strong doses. They apply palliatives according to symptoms; but homœopathic physicians believe in helping nature's healing process by giving minute doses of medicines which are akin to the disease. There are only two points of difference between allopathy and homœopathy. The homœopathic doctors believe that substances which cause diseases can cure them when they are given in minute doses. Hahnemann, the founder of homœopathy, while carrying on researches about the effects of quinine, tried the peruvian bark upon himself and found, to his surprise, that he developed fever. This led him to propound his theory of *similia similibus curentur*—that like cures like. In modern days, the vaccine treatment that we give, the results of serum therapy also show us how diseases can be cured by the same substances which in other circumstances cause them. Professor Bier, the world-famous surgeon of Germany, was led, as a result of his observations and his researches, to believe in the despised doctrine of homœopathy and he was instrumental in starting a chair of homœopathy in the medical faculty of the University of Berlin. Allopathic physicians generally ridicule and doubt the efficacy of giving very minute doses of medicine and curing diseases by that means. But the progress of medicine and recent discoveries have proved that small doses also can act. Allopathic doctors too have been led by experience to reduce their doses. They have found that medicine given through injections, even of 1/1000000 gramme is sufficiently efficacious. We all hear so much nowadays about vitamins. Vitamins are extremely minute substances which it is impossible to discover, but these substances when they are lacking in our food, cause deficiency diseases or diseases of malnutrition. The results of experiments made by Sir J. Bose show that poisons in normal doses kill plants.

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but when given in extremely minute doses, accelerate the growth of the same plants. There are several other instances which also go to show that drugs when given in extremely minute doses prove very efficacious. They have found, for instance, that adrenaline when given in 1/10000 part of a milligram, can effectively contract the muscles of the bladder. The efficacy of the infinitesimal doses of homœopathic medicines has been proved in many hospitals where such medicines are given. The science of homœopathy has stood the test of time; it is nearly 150 years old; it has made vast strides in the United States of America where they have not only homœopathic colleges in places like New York, Philadelphia and Cleveland, but also a large number of homœopathic hospitals and sanatoriums.

“They have got homœopathic hospitals and doctors in other American countries also—in countries like Brazil, Mexico and Canada and in European countries like Italy, France, Germany, Switzerland. There are several homœopathic hospitals and eminent medical men practising homœopathy in England. The biggest hospital is said to be in London and there they have the British Homœopathic Association. In India, in Calcutta and in my own town of Mangalore we have several homœopathic doctors who are successfully practising this system of medicine. Not only doctors but there are a large number of laymen particularly Missionaries, who practise this system in India and China. It is claimed by the practitioners of this system of medicine that it is simple, it is cheap and it is pleasant to take. It is willingly taken by children. More than anything else homœopathic medicine has no injurious secondary effects as we sometimes find when allopathic medicines are administered. We know many allopathic doctors who have condemned the poisonous effects of their own drugs. I hope, Sir, that the Hon. Minister will give his serious consideration to this matter and see whether he cannot accept the resolution in the form in which it has been amended by me. I think in our medical institutions we must teach different systems of medicine. We must provide optional courses of study. Without much extra expenditure Government can create a special chair for the teaching of this system of medicine for such people as like to study them. We shall be wise if we keep our minds open and adopt whatever is good in other systems. It is not right for any man of science or any doctor to be dogmatic and believe in only one system.”

Mr. M. A. MANIKKAVELU NAYAKAR:—“ I second it.”

Khan Sahib SYED TAJUDDIN SAHIB Bahadur:—“ Mr. President, as we all know India is a strange country. It is a land of castes and colours and religions. It is a land of languages. Sir, it is also a land of many systems of medicine. We are already having about five systems of medicine in our country, namely, the allopathic system, ashtanga hridayam, ayurveda, siddha and unani. I should like to draw the attention of the House to one fundamental fact. The allopathic and homœopathic systems are diametrically opposed to each other. They

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are as poles asunder in the basic principles themselves. As our learned friend just now said the system of homœopathy is based upon what they call the basic principle '*Similia similibus curentur*' whereas the system of allopathy is based on the opposite principle *contra contrariis curentur*. Therefore in the fundamentals themselves they are diametrically opposed. The homœopaths accuse the allopathic system by saying that the dosage is too large whereas the allopathic practitioners find fault with the homœopaths by saying that the dosage is infinitesimally small. It is next to water, they say, and cannot produce any effect in the body or counteract any symptoms. After all they contend that homœopathy is next only to mental healing. You may as well chant a mantram and say it will cure you. If you have faith in medicine it will cure you. Otherwise not. I cannot discuss the relative merits of any of these systems just at present because it is already too late. But my point is whether we can take up on hand the system of homœopathy immediately. Sir, the Indian systems of medicine which had fallen into disuse are just now brought to light once again and the research section of the Indian School of Medicine is almost starving. There are various points which are very important which require our present attention. We must cut our coat according to our cloth and where are we to go for the sinews of war. If we go on doing things haphazardly and without any proper regard to our finances it won't be any good at all. We must place the Indian systems of medicine on a stable basis and then only think of helping the homœopathic system which is a foreign system. After all homœopathy is still in its leading strings and I cannot subscribe to what Mr. Shetty said that it has stood the test of time. After all this system was brought into being only the other day. In India it has been in vogue only during the last few years and that in certain corners. For these reasons I oppose the motion."

Mr. BASHEER AHMED SAYEED:—"I would like to add a few words to what the Muslim Member from Tanjore stated. It is not a matter of sentiment at all. It is not a matter on which we ought to take a step if we are convinced of the step we are taking. As has been pointed out we have got three or four important systems. The Muslim Member pointed out the fifth one, of which I am not aware at all. They have proved themselves to be of certain efficacy and in some respects of greater efficacy than the allopathic system. Those systems were explored only very recently. When they were dying an attempt was made by the Raja of Panagal and a committee was appointed and that committee made very elaborate recommendations to resuscitate these systems. Most of the recommendations of that committee are still to be given effect to. Government have no funds to give effect to them. These are very necessary and urgent. I may give one instance. The establishment of herbaria to develop our own materia medica, our own pharmacopia and our own medical store and very many similar suggestions have been made in that report. But no step has been taken in that

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direction. It is necessary that there should be a standardization of the medicines which are used in the Unani and other systems of medicine. Before we can attempt it what is the good of being drawn away to many other systems. I am not opposed to researches. It has been the policy to improve the sphere of activity in the educational department through private effort even after long years of education. Even so it must take pretty long time before Government can take this foreign and alien system of medicine into this country. Let there be more and more private interest in this regard and let the result be tested by the allopathic system to see how far this could be given precedence, not even precedence but to see whether money could be spent on it. So instead of diverting attention to new spheres of activity let the old be encouraged, augmented and strengthened. There is the Indian School of Medicine. What is being done? Every time the Finance Member says, 'no funds.' We cannot get buildings. We cannot get assistance. We cannot increase the number of beds in the Indian School of Medicine which is most inefficient. I do not cast any aspersions on the officers there. But in the matter of equipment, in the matter of the number of beds, in the matter of medicines and in the matter of several requirements of a decent hospital it is utterly lacking. Those systems deserve far more encouragement than the allopathic system. Indian systems of medicine are far cheaper than the allopathic system and it has been proved that the medicines of the Unani and Ayurvedic systems are far more efficacious. When the Government is not able to do that much towards the existing systems of medicine what justification is there for the Government or even any one of us to ask the Government to go on spending money on the investigation of this. Let private effort attend to this. Let the initial stage be over and after it has become deep-rooted and after it has secured reputation in the country then it will be time for the public or the Government to take up that system to see how far it can be taken up by the people of this country. I do not really want that investigation should not be made. But this is not the stage. We shall have to wait for some years to see how far the system justifies to fulfil the legitimate functions. I therefore say we need not devote more time on this."

* The Hon. the PRESIDENT:—"Hon. Members are aware that the House is assembling on the 26th instant when the budget will be presented. It is proposed that we should meet a day earlier to transact business connected with the final stages of the City Municipal Bill. The House will therefore adjourn and meet again at 11 o'clock on the 25th instant."

IX.—PAPER LAID ON THE TABLE OF THE HOUSE.

* *Settlement—Resettlement—Supplement to the Scheme Report of the Kurnool district—Proposals for revision of water-cess in the Kurnool district.*

D. K. V. RAGHAVA VARMA,
Acting Secretary to the Legislative Council.

[5th February 1936]

APPENDIX I.

[Vide answer to question No. 727 asked by Mr. G. Ranganatha Mudaliyar at the meeting of the Legislative Council held on the 5th February 1936, page 548 supra.]

Resolution of the Board of Revenue, No. Mis. 78, dated 9th January 1936.

READ—the following:—

Letter from M.R.Ry. Rao Bahadur M. V. VELLODI Avargal, B.A., Collector of Tanjore, dated 23rd December 1935, No. Rc. A. 2, 16837/35.

[Cyclone—November 1935—Tanjore district—Detailed report—Submitted. *Reference.*—(i) Board's Reference No. M. 7760/35-1, dated 20th November 1935, and (ii) Board's Reference No. M. 7760/35-3, dated 27th November 1935.]

I submit herewith my detailed report on the damage done by cyclone on the 14th and 15th November 1935.

2. *The time and duration of the cyclone and the area affected by it.*—The cyclone began at about 6 p.m. on 14th November 1935. High wind accompanied by heavy rain started by 9 p.m. and continued till about noon the next day. Tiruturaipundi taluk and portions of all other taluks except Tanjore, Papanasam and Kumbakonam were affected, Vedaranniyam union and some villages around it in Tiruturaipundi taluk being the worst affected. In Vedaranniyam which is on the sea coast, there was a rainfall of about 9 inches on the 14th, and the sea rose up by about 3 feet and came as far as the railway line at about 1 a.m. on 15th November 1935 and receded only at 9 a.m. that day. The sea made inroads into the villages of Sathanangudi and Porayar in Mayavaram taluk also and inundated the adjoining fields.

3. *The total number of lives lost and of families that have been rendered homeless.*—The total number of lives lost is only seventeen—ten in Tiruturaipundi, six in Pattukkottai and one in Negapatam taluks. The one case in Negapatam taluk was of a child three years old, in Tiruvalur town, as a result of the collapse of a mud house. Of the six who died in the Pattukkottai taluk, three were fishermen who had gone out to the sea to fish. Their bodies were washed ashore on the 15th November in the limits of Eripurakarai village. Five thousand and fifty houses in Tiruturaipundi taluk, 2,975 in Pattukkottai, 377 in Negapatam, 142 in Mannargudi and 35 in Arantangi taluks were damaged. Most of the houses were only thatched and they were owned by poor Adi-Dravidas, fishermen and cultivating tenants, who were rendered thereby temporarily homeless.

4. *Extent of damage done*—(a) *To Government property (other than irrigation works).*—The damage done to Government property was neither extensive nor serious. Eight cattle-pounds, three in Tiruturaipundi, two in Arantangi, one in each of the taluks of Pattukkottai, Mannargudi and Negapatam were damaged. Besides the three pounds

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in Tiruturaipundi, the taluk office building, the Deputy Tahsildar's office, Vedaranniyam, and the forest rest-house and out-houses in Point Calimere were also damaged, and the approximate cost of repairs to all the buildings including the cattle-pound has been estimated to Rs. 700. In Arantangi taluk, besides the two pounds, the compound wall of the taluk office and a portion of the roof of the sub-jail kitchen were also damaged, and the total cost of repairs is about Rs. 140. The taluk office buildings at Pattukkottai also suffered damage, and the cost of repairs to them and to the cattle-pound is estimated at Rs. 150. Ten thousand maunds of salt stored in the platforms in the Salt Factories at Adirampatnam and Maravakkadu are reported to have been either washed away or rendered unfit for use, as the sheds were blown off by the winds. The loss to Government by way of duty is estimated to be nearly Rs. 75,000. The cost of repairs to the pound in Mannargudi taluk will be about Rs. 150 and to that in Negapatam taluk about Rs. 100. The northern pillar showing the Port limits of Tranquebar also collapsed as a result of the erosion caused by the sea water. No appreciable damage was caused to the minor irrigation works, except to three eris (tanks) in Pattukkottai taluk the bunds of which have been washed down on account of the rains. There were no breaches. The probable cost of the earthwork that has to be done to the three eris is estimated at Rs. 500.

(b) *Damage to crops and fields.*—In Pattukkottai taluk, paddy crops on an extent of about 7,000 acres are reported to have suffered, and the loss by way of diminution in yield is estimated at one kalam per mah or three kalams per acre on an average. The total estimated money value of the reduction in yield is estimated by the Tahsildar as Rs. 21,000. About 1,700 acres of land suffered by inundation; but the Tahsildar reports that the crops have improved in almost all the cases, and that it is not likely that anything more than 500 acres will ultimately come up for remission.

Standing crops in the Talanayar group of villages in Tiruturaipundi taluk are reported to have been affected and the remission of revenue anticipated is about Rs. 3,500.

In Negapatam taluk it is reported that kar crop (paddy) which was ready for harvest was blown down and had to remain under water for some time. Almost the whole of the crop has been harvested, and there must have been some reduction in the yield. The samba crops in Karapidagai North and South villages where the drainage facilities were already defective have been affected. The Tahsildar estimates the remission of revenue at Rs. 3,000 in these two villages.

As regards the damage caused by submersion to the lands in the villages of Sathangudi and Porayar in Mayavaram taluk, the Deputy Tahsildar, Tranquebar, states that it was too soon to say whether the fields would eventually come up for remission. He, however, estimates the amount of remission at Rs. 614. In Shiyali taluk also paddy crops on an extent of about 200 acres in Perunthottam village were reported

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to have been damaged as a result of the flow of sea water into the fields, but I have not heard anything since from the Revenue Divisional Officer, Mayavaram, regarding the anticipated remission of revenue in Mayavaram and Shiyali taluks.

In Mannargudi taluk, remission of water-cess to an extent of Rs. 115 is anticipated as a result of the affection of betel vines by the cyclone and the consequent damage to the betel leaves in Sekarai village.

In other areas crops have not been damaged. Fortunately, the cyclone came at a time when the first crop paddy (kuruvai) had been harvested, and the second crop (Samba) paddy had not begun to be in ears.

Trees.—Reports received show that about 52,000 trees consisting of cocoa, mango and other trees in Tiruturaipundi taluk and 100,600 cocoa trees in Pattukkottai taluk had fallen down. In other taluks also trees were uprooted here and there, but the number blown down is reported to be not appreciable.

(c) *Damage to other private property including houses and live-stock.*—As stated in paragraph 3 above, the number of houses damaged are—

Tiruturaipundi taluk	...	...	...	...	5,050
Pattukkottai taluk	...	...	...	...	2,975
Negapatam taluk	...	...	...	...	377
Mannargudi taluk	...	...	...	...	142
Arantangi taluk	...	...	...	...	35

About 800 cattle in Pattukkottai taluk, 230 in Tiruturaipundi taluk and 2 in Kumbakonam taluk were lost.

(d) *Damage to communications.*—Telegraph and telephone communications from and to Tiruturaipundi were held up for about a day. Railway communications between Tiruturaipundi and Arantangi and between Tiruturaipundi and Vedaranniyam were also dislocated for a day. There was a breach of the railway line between Negapatam and Nagore also.

5. *The measures to be taken for the relief of the distress and the probable cost to Government.*—The houses of the poor people to the east of the railway line in Vedaranniyam were submerged under water and the people who were rendered homeless were mostly Adi-Dravidas. They were housed in various madams, water pandals, etc., in Vedaranniyam town. The Pasumatam Swamiar and the trustee of the temple at Vedaranniyam arranged to feed them on the 15th November 1935. It is reported that the houses affected were mostly thatched ones, and that the owners took the necessary steps to rebuild them. In Pattukkottai taluk also, the owners of the damaged houses have since renewed them in almost all the cases. The owners of six houses who are Adi-Dravidas are reported to be really in need of financial help and the cost is estimated at Rs. 5 × Rs. 6 or Rs. 30. Steps are being taken to afford this

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relief. In Negapatam taluk the owners of about 180 houses are reported to be in need of help. The Municipal Council, Negapatam, has provided a sum of Rs. 500 for the relief of the persons living within the municipal limits. The Sub-Collector, Negapatam, reports that he will arrange to help the rebuilding of the houses in other places. In Mannargudi taluk the house owners have executed the necessary repairs. The damage to houses is not such as would require any general relief. Advances to cultivators will be given wherever necessary under the Agriculturists Loans Act.

It is too soon now to say definitely about the extent of remission of revenue that may have to be granted. No appreciable damage was done by the cyclone to paddy or other crops and no special remission is called for. Remission under ordinary rules (Board's Standing Order No. 13) will be granted wherever necessary.

A large number of petitions are being received from toddy renters in Tiruturaipundi and Pattukkottai taluks for remission of toddy kist and tree-tax as a result of the coconut trees having been uprooted, and of diminution in the yield of toddy due to cyclone. The Assistant Inspector of Excise, Pattukkottai, is attending to the matter of affording relief by substitute marking of trees for tapping. In cases in which it is not possible to mark substitute trees, the question of granting partial remission of tree-tax and shop rental will be taken up.

6. At first sight it may perhaps appear curious that I am not recommending Government relief towards the amelioration of the apparent distress caused to the owners of over 8,500 houses. The accounts received by me show that in every case the house damaged consisted of mud walls and thatched roof. It is a common feature in these parts for many such houses to collapse during the rainy season and if a census were taken of the annual loss of such houses throughout the whole district as has been done this year, the number would not be very much less than those reported now. The roofs of these huts were blown over, but in Tiruturaipundi Union where I got stuck up after the cyclone, I noticed that the very same materials were used and the expense that the owners were put to consisted only of some string and some new thatch, the old thatch being dried and mostly used again. This must have occurred in almost all cases where damage was caused.

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APPENDIX II.

[Vide answer to question No. 734 asked by Mr. U. C. Subbrahmanya Bhatt at the meeting of the Legislative Council held on the 5th February 1936, page 555 supra.]

Name of the District Educational Council.	Amount sanctioned.	Unspent balance of grants paid in previous years.	Name of the District Educational Council.	Amount sanctioned.	Unspent balance of grants paid in previous years.
(1)	(2)	(3)	(1)	(2)	(3)
RS.	RS.	RS.	RS.	RS.	RS.
Teaching grants—Day schools—1934-35.					
1 Ganjam	2,45,477	10,000	16 South Arcot	1,42,145	..
2 Vizagapatam	2,38,080	841	17 Tanjore	2,50,802	..
3 East Godavari	1,66,977	313	18 Trichinopoly	1,32,700	103
4 West Godavari	1,54,977	..	19 Madura	1,32,121	..
5 Kistna	2,17,326	1,647	20 Ramnad	2,35,690	..
6 Guntur	3,67,356	..	21 Tinnevely	4,88,488	100
7 Kurnool	1,08,729	2,821	22 Coimbatore	97,547	23
8 Bellary	53,621	..	23 Salem	68,530	667
9 Anantapur	46,443	935	24 The Nilgiris	43,165	..
10 Cuddapah	1,21,231	..	25 Malabar	9,81,452	1,468
11 Nellore	1,62,298	..	26 South Kanara	2,05,037	..
12 Madras	1,32,039	47			
13 Chingleput	1,14,657	1,103	Total	51,16,945	19,769
14 North Arcot	1,30,624	..			
15 Chittoor	84,485	201			

Teaching grants—Night schools—1934-35.					
1 Ganjam	874	..	16 South Arcot	3,759	..
2 Vizagapatam	11,350	..	17 Tanjore	2,492	..
3 East Godavari	10,485	42	18 Trichinopoly	1,177	..
4 West Godavari	1,600	..	19 Madura	1,553	..
5 Kistna	3,909	4	20 Ramnad	635	..
6 Guntur	1,016	..	21 Tinnevely	1,340	11
7 Kurnool	2,093	..	22 Coimbatore	2,307	..
8 Bellary	976	..	23 Salem	553	..
9 Anantapur	394	..	24 The Nilgiris	631	..
10 Cuddapah	2,317	..	25 Malabar	2,474	..
11 Nellore	3,272	..	26 South Kanara	525	..
12 Madras	4,052	..			
13 Chingleput	1,627	..	Total	65,229	57
14 North Arcot	2,002	..			
15 Chittoor	911	..			

APPENDIX III.

[Vide answer to question No. 736 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 5th February 1936, page 557 supra.]

Statement showing the number of arrack shops sold in 1935-36.

District.	Number of arrack shops sold in 1935-36	District.	Number of arrack shops sold in 1935-36.
Ganjam	223	South Arcot	427
Vizagapatam	258	Tanjore	89
East Godavari	211	Trichinopoly	219
West Godavari	136	Madura	154
Kistna	272	Ramnad	146
Guntur	316	Tinnevely	222
Nellore	207	Coimbatore	321
Cuddapah	251	The Nilgiris	4
Anantapur	223	Salem	311
Bellary	179	South Kanara	303
Kurnool	175	Malabar	420
Madras	18		
Chingleput	160	Total	5,701
Chittoor	191		
North Arcot	265		

